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GOVERNMENT AND THE WILL OF THE PEOPLE

ACADEMIC LECTURES

BY

HANS DELBRÜCK

TRANSLATED INTO ENGLISH WITH NOTES AND GLOSSARY OF POLITICAL NAMES AND TERMS

BY

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TRANSLATOR'S PREFATORY NOTE, 1923

I COMMENCED the translation of this book, "Government and the Will of the People," in 1914, while doing graduate work in History and Economics at the Berlin University, and continued it as occasion permitted while connected with the staff of the Consulate General of the United States after the beginning of the Great War. Because of the personal interest that I had in the subject I assumed that other students would have a similar interest in the nature and the function of the German Constitution under the stress of war. The work concluded in 1915, I found no publisher in the United States because, by that time, the American people were not in a frame of mind to care to consider academic problems, here presented, from the point of view of any German. In 1922 I showed the manuscript to Dr. James Brown Scott and Baron Serge Korff, associated with me in the Georgetown University School of Foreign Service, who read it with much interest. We came to the conclusion that, in view of the aftermath of the war, the new Constitutions of the German Republic and the other new states, the Soviet experiment in Russia, the impatience with Congress in the United States, and many similar tendencies, this work, although written before the war, was particularly timely. The work is also of great interest as it shows the point of view of the intelligent middle class liberal and progressive German on such questions as State, Government and Constitution. I resumed correspondence with Dr. Delbrück and found that the old gentleman had survived the rigors of the long period of the conflict, and had, in fact, brought out in Germany a second edition of the work, with an addendum or epilogue in which he discusses from his point of view, with his old frankness and clarity, the present German Constitution. I have translated this and added it to the book.

In the preface of the first translation I attempted to interest the reader in picturing himself in the classroom of the University of Berlin, listening to the clear presentation of that genial, thorough, and indefatigable scholar, Hans Delbrück, who has had the moral courage to present many points of view in history and in politics not shared by either radicals or conservatives or other scholars. For instance, for many years before the war he was the head of a party to restore Alsace-Lorraine to France and avoid the germ of future conflict. This is the type of man he is.

Dr. Delbrück, who had formerly lectured in English at Edinburgh and other English Universities, read the translation carefully and then went over it with me in much detail. This English version is, therefore, checked and approved by the author.

I owe particular thanks to Dr. James Brown Scott for rescuing the work from the pigeonhole and placing it in such good hands as the Oxford Press. I am also greatly indebted to my former associate in the Bureau of Foreign and Domestic Commerce, Mr. J. H. Collier, of the Editorial Division, who prepared the manuscript for press, at much personal effort and sacrifice.

Regardless of differences of opinion, the work should prove of interest as a contribution to history and political science and stimulating to modern political thought.

Roy S. MacElwee

Ft. Meyer Heights, Virginia
January 15, 1923.

TRANSLATOR'S PREFATORY NOTE (1915)

In giving to English readers interested in party politics Professor Delbrück's lectures on "Government and the Will of the People," I am strongly under the influence of a series of lectures which I heard Professor Woodrow Wilson give at Columbia University in 1907, "Constitutional Government in the United States."[1] All of us who called ourselves *students* of political affairs and sought to follow their ramifications, divorced from the partisanship of the daily press, who sought an academic point of view, were deeply impressed by Professor Wilson's clear analysis of American politics and government. We felt that we had been placed upon a higher intellectual crag with purer air and a wider horizon. We felt that here was a scholar who had the natural ability and historical foundation to give us that perspective which only the trained mind outside of politics can give and gives purely in a search for truth.

Six years later, in the summer semester of 1913 of the Berlin University, Professor Hans Delbrück gave these lectures. He gave his German students the same intellectual and practical uplift as Professor Wilson had given the American students of Columbia University. Needless to say, with Professor Delbrück's freshness and clearness of thought and charm of delivery, his auditorium was crowded and his hearers enthusiastic. The published lectures have also reached a large circulation.[2] Although often differing with the lecturer in this or that shade of political faith, those interested in a better understanding of party politics and constitutional gov-

[1] "Constitutional Government in the United States," by Woodrow Wilson, Ph. D., LL. D., President of Princeton University, The Columbia University Press, New York, 1908.

[2] "Regierung und Volkswille." Published by Georg Stilke, Berlin, 1914. Second Edition by Deutsche Verlags Gesellschaft für Politik und Geschichte, m. b. H., Charlottenburg, 1920.

ernment felt that here was an analysis by one who is capable of forming judgment on a deep foundation of historical science and the nonpartisanship of the classroom.

The interest in a better understanding of all constitutional and party government is increasing, and it is assuredly the patriotic duty of everyone who casts a vote to be interested. An understanding of the political parties of other countries should help us in our understanding of the public life of our own United States. From this idea has arisen the desire to add as a mate to Professor Wilson's lectures on "Constitutional Government," an English version of his illustrious colleague's "Government and the Will of the People."

In the printed edition of the Columbia lectures, by the Blumenthal Foundation, Professor Wilson prefaced them with the following note:

"These lectures are not intended as a systematic discussion of the character and operation of the government of the United States. They are intended merely to present it in some of its more salient features from a fresh point of view and in the light of a fresh analysis of the character and operation of constitntional government. It is hoped that they will be thought, for this reason, to be serviceable in the clarification of our views as to policy and practice."

By changing the words "United States" to read "Germany" in the first sentence the reason for the English edition of Professor Delbrück's studies is completely expressed.

A better understanding of party government in Germany may also be opportune. The world war has brought all the countries involved into the centre of our attention. It is extremely difficult to see anything clearly in the smoke and dust of battle, yet all who have the desire to study the various nations with an academic impartiality are constantly threatened by the maelstrom of violent partisanship. These lectures, delivered by a professor of history to his students in the cloistered seclusion of a great university more than a year before the war upset men's minds, are coldly nonpartisan regarding either party or national differences. The translation is as literal as possible, without alterations, additions or subtractions. Therefore it is hoped that no one

will mistake the work for "war literature," and that those whose interest in European politics has been aroused by the war will find in these pages an untrampled spring.

Inasmuch as these lectures were delivered to German students of history, Professor Delbrück assumed familiarity on the part of his students with not only the political parties and governmental institutions of their country but with the historical background. The historical background will be also familiar to American readers, but not so the party and governmental institutions. For this reason, after conference with Professor Delbrück, I have added a glossary of political terms which I trust will bridge the needed gaps a little more firmly than short footnotes could do. The books used for reference in this glossary, as will be seen from the dates of publication, are also ante-bellum.

One gap it is unfortunately impossible to supply — the personality of Professor Delbrück in the lecture room. His energy and youthful enthusiasm despite many years of literary, scientific and political activity, his sense of humor, his charm of delivery, his warmth of human personality, his absolute devotion to science must have been felt to be understood. It is always a delight to hear him explode some long-established historical myth which has been handed down through generations of school books, such as the invention of gunpowder having caused the collapse of feudalism, and many such another. The true spirit of the following pages will have been partly lost unless one feels himself, notebook in hand, sitting in one of the century-old lecture rooms of the Berlin University listening to Doctor Hans Delbrück, professor of history, lecture on "Government and the Will of the People."

Roy S. MacElwee

Berlin, August, 1915.

AUTHOR'S PREFATORY NOTE

Some two years ago I was asked by my students to give a special lecture on "Parties and Party Government." I granted the wish and found that the material was suitable for extension to a full course of lectures for one semester. This course I held in the summer semester of 1913, and after I had commenced them it seemed that what I intended to say would be suitable for publication. Therefore I had the lectures stenographically recorded, and now, after having completed and revised them here and there and changed the title, I present them to you. These lectures are the ideas and tendencies which I have stood for in the *Preussischen Jahrbücher,*[1] analyzed psychologically and given the deeper foundation which results from my years of historical research and writing. Also many new ideas correcting traditional opinions which have resulted from my recent research and have not yet been published are woven in.

However one may judge theoretically of the relation of the historian to the politician, in my case, at least, my political faith is dominated entirely by my opinions as a historian and not the reverse. Most assuredly it is not the nature and aim of history to supply the theorems for practical action. The nature of real historical research is pure contemplation. There are no laws of history and one is unable to deduce any laws of conduct from it. This, however, does not exclude the fact that a clear insight into the origin and development of the conditions among which we live is an invaluable aid to an understanding of the present, and although it does not accord prophetic powers, it most assuredly sharpens the political vision into the future. To

[1] *Preussische Jahrbücher* is a monthly periodical devoted to serious essays on historical research, politics, literature, philosophy, and art criticism. Professor Delbrück is the successor of Treitschke as editor and is himself a frequent contributor. Translator's Note.

a no less degree we may expect the same from an insight into the rise and decline of other peoples. Be it true that politics demands a vision of the future, real historical knowledge is of great value to politics, even though this is not the aim of history in itself. Anticipation in politics lessens the practical problems of the future. The setting of the goal must give practical statecraft its full life by changing the will to the deed. We demand today a national opinion or sentiment from everyone, but even when the opinion is mated to will power it can only successfully lead the State to prosperity when it is led by superior and cultivated intelligence.

In this sense science and politics have always been bound together in the *Preussischen Jahrbücher,* and what has appeared there in accordance with the exigencies of the day I have tried to develop here systematically, although in the fluid form of a course of lectures. The *Preussische Jahrbücher* has often stemmed against the tide of public opinion and sometimes aroused opposition among good friends. I commit myself to the hope that this presentation will overcome much opposition, which has rested more on misunderstandings than essential differences, that it will disconcert many opponents, and finally that these opinions will win new followers.

Our government boasts that it stands above party strife. Also science stands above parties. Human frailties will seldom permit the attainment and maintainment of this lofty ideal. However, the mere fact that one strives to attain such an ideal gives a great superiority over any partisan standpoint. The practical statesman sees to it first of all that he comes to an understanding with the parties. Also what science says has always been especially heeded in Germany, and it may be advisable to observe this fact in the future.

HANS DELBRÜCK

BERLIN-GRÜNEWALD,
November 11, 1913.

AUTHOR'S PREFACE TO THE SECOND EDITION (1920)

Is it justified to publish a second edition of this little book since all the premises upon which it was once built up in 1913 are now destroyed? Are not all of the theses which it attempted to establish as completely as they are cruelly refuted through the facts of today?

On the contrary. It is true that the Constitution of the German Empire, which I praised and which I thought indestructible, has collapsed. The democracies of the west, whose capabilities I greatly underestimated, have defeated us. But, did they defeat us because they were more efficient? On the contrary, the German constitution demonstrated itself to be by far the most efficient. Otherwise how could we have withstood the tremendous superiority of men and materials for four years if our social and political organism had not been the stronger? It was only the overwhelming superior masses that finally crushed us.

However greatly my faith in the future of the German Empire deceived me, I may still maintain that my historical-political estimate of the nature of the Prussian-German State has not been refuted through the recent events, but has been corroborated. And, I may add, in both directions. In these lectures, I not only presented the virtues of our political system, but also with full conviction the great weaknesses that were inherent in them; the lack of ability to develop great personalities. In this point, and only in this point, did the peoples of the Entente show themselves in fact superior to us.

Because there is still a demand for the book, do I dare to publish a new edition. And, inasmuch as we now live under a constitution that has presumably sprung from the "will of the people" it is of double importance to know

what this "will of the people" is, and how it came to be, — how it was called to govern, and to what extent it can govern. What I on my part have had to say about that has not been modified in any way through the revolution, and because these thoughts were expressed prior to 1914 may be a part of their value. Their relation to the events after 1914 I put down in the form of footnotes (which are recognizable as such), and have added an epilogue. Unimportant typographical errors have been changed without remarks.

BERLIN-GRÜNEWALD,
December 6, 1919.

HANS DELBRÜCK

Government and the Will of the People

"Government and the Will of the People" is a chapter in the domain of politics particularly adapted to separate treatment, as the questions connected with it lead to the very heart of all those problems which affect our nation as well as all nations today; much more, for instance, than if one were to talk of "Monarchy and Republic," or of "Liberalism, Clericalism and Socialism."

Government by the people. Everywhere today is the demand that the people rule themselves by means of changing parties. The will of the people must find expression and determine the will of the State. So let us begin with the question, What constitutes "the people," according to whose will the State is to be governed? What constitutes the German people? To the German people belong not only the German Empire, but also the German-Austrians, the German-Swiss, the many millions of Germans in Hungary, Russia, and America.

What is "the people"? To begin with we will have to restrict our conception of the German people to the Germans of the Empire. Immediately, however, we realize that in this sense many millions of Poles and Danes and French belong to the German people. In Alsace-Lorraine there are also German-speaking people who are continually giving evidence of the fact that politically they refuse to belong to the German people. However, if we leave these not altogether inconsiderable discordant elements out of the question and look upon the inhabitants of the German Empire as the German people in a political sense, whether certain fractions be agreed therewith or not, we shall find a unity, although this unity has been by no means bestowed by nature. On

the contrary, it has been formed by historical events, amid a thousand contingencies.

Are the inhabitants of Alsace-Lorraine "a people"? When some years ago the imperial province of Alsace-Lorraine was given a constitution, placing it on an equality with the other States of the Empire, it was expected from many quarters that, in accordance with the principle of the sovereign rights of the people, the Alsatians themselves would be consulted and be allowed to determine upon their constitution. In this demand, which was strongly urged by many Liberals, it was assumed that the people of Alsace-Lorraine were capable of producing an individual will. Who are the people of Alsace-Lorraine? Genealogically they are partly Alemannic, partly Frankish, and partly French. Historically, certain parts of their domain had belonged to France since 1552, other parts since 1648, since 1681, 1735, 1801; prior to these dates these same parts had belonged to Germany; Mühlhausen belonged to Switzerland until 1794. The Peace of Paris (1815) and the Treaty of Frankfort (1871), both absolutely arbitrary in that they were determined by military considerations, welded these different territories and race fragments into a geographical unity. Do the inhabitants of this geographical unity form one people? Can a will be ascribed to this people, and what relation does this will bear to the will of the sum total of the German people?

It is manifestly impossible that every single detached fraction of a people should have the right to determine for itself unto which state it wishes to belong. If we adjudge this right to the people of Alsace-Lorraine as a whole, why not to each of the three different races, the Suabians, the Franks, and the French? And, finally, why not to each single community? It is possible that the Alsatians will gradually grow to be a people for themselves within the German nation, something like the Prussians or Bavarians. The demand, however, that the people of Alsace-Lorraine should determine their own constitution was in a double sense unreasonable: In the first place, because the people of Alsace-Lorraine do not represent in the least an organic unity, and

more especially because they are only a part of the German people, as before 1870 they were only a part of the French people. For this reason the French State as a whole — that is, the national assembly at Bordeaux, and not any kind of organized manifestation of will from the territories themselves — rendered the decision concerning the cession of territory between the Rhine and the Vosges. With the same right the legislative body of the German Empire gave a constitution to this territory.

The German people. If we have already restricted the conception of the German people to the inhabitants of the German Empire, we must limit this conception still further because of the fact that even in the broader conception of *the German people* we have to do with a product not created by nature but gradually formed by the course of history. One is accustomed to treat the German people as if they were the simple continuation of that former race called Germanic. This is not correct. Without doubt only a small part of the present German people, namely, the inhabitants of Hanover, Westphalia, Brunswick, and Oldenburg, are essentially Germanic. All of the Germans on the Rhine and south of the Main are strongly mixed with Kelts, Rhætians, and other Romanized peoples; on the other hand, all of the provinces east of the Saale and Elbe are a Slavic, Prussian, and Teutonic mixture. Just how strong is the mixture of foreign blood in single instances cannot be estimated. In many districts it is undoubtedly more than half.

Amalgamation of races. Just as the German, so are all the other great civilized nations of Europe — the English, French, Spanish, Italian — mixed races, component parts of the most heterogeneous stock melted together by the course of historical events; and it is proof of the power of mind over matter that the unity which they represent has been built up out of such physically opposing elements. Even when the national unity has as its basis an ethnological unity, which is rarely enough the case, the essence of the nationality is not to be sought in the common origin of the race but in intellectual unity. Science is agreed in this. Treitschke has indeed laid down the principle that the very nations

strongest in statecraft have been those which were largely mixed, such as the Romans and the English. The Arabians and Jews, he points out, have been particularly pure-blooded, and yet nobody would contend that they have ever been especially strong empire builders. Their strength lies in an entirely different direction. He continues: "Nearly all noble nations, like the Athenians, called themselves autochthon, but nearly all incorrectly." Even today we may discern in those parts of Germany where the young girls carry burdens on their heads that the Romans were once there. The Suabians in the Middle Ages, and the Prussians in modern times, have been the political standard bearers of German nationality, and especially these two races have been strongly mixed. I do not, however, altogether agree with Treitschke's conclusion, that blood mixture makes for conspicuously great political talent. The first great empire builders in Germany were the Saxons under Henry I and Otto I, and they were not a mixed race. Also, the Netherlands present a very important Germanic empire, produced by people of unmixed Germanic stock.

The correct and valuable part of Treitschke's view, however, is that we again recognize in the conception of *the people* a something not created but developed through the struggles of history. Now, beginning from what point in its evolution may we ascribe a will to this ever-developing thing, which, we have just learned, has been fused together from absolutely different and opposing elements? Since their common victory over the Hungarians at the battle of Lechfeld (Augsburg) in 955, the Saxons, Franks, Suabians, and Bavarians have been gradually growing together in a feeling of unity as a German people. And yet in 1815 every little province, New Hither Pomerania, Old Pomerania, etc., believed itself to be an especial "nation," and at the Vienna Congress the Würtemberg minister opposed the intention of forming a nation, so to speak, out of such different races as, for example, the Prussians and Würtembergers. It is quite true, if the Pomeranian and the Würtemberg peasants should try to converse in their native dialect, that they would not be able to understand one another. Only by teaching them

the high German written language in the public schools can we create that common language which is indispensable to the existence of a united people.

We find ourselves in a still greater quandary if we leave the German people, who, in spite of these restrictions, form today a great national unity, and turn toward the Austrians or Hungarians. Where are the Austrian or Hungarian people? Ten different nationalities, most of which are only fragments of still greater races, have here been welded together in a political unity. In Hungary the Magyars predominate, who according to their figures constitute exactly half of the population of the Kingdom; according to the opinion of experts, however, not even half, but about $8\frac{1}{2}$ millions out of 20 millions. Where is the will of the Hungarian people to be sought here?

Definition of "the people." In order to render even a general conception of the word "the people," according to the doctrines of constitutional law, we must dismiss from our minds the traditional conception of oneness of nationality or oneness of civilization or whatever else one may choose to call it, and construe the term to mean the sum total of the population within the borders of a certain State regardless of the question of race. In this sense the German people are the citizens of the German Empire. But does that mean only the men? Do not the women also belong to the German people? As everybody knows, there are many more German women than men.

Beginning with what year does a German belong to that part of the Germans who are called to represent the will of the people? Is a direct vote concerning a particular question necessary for the formation of a popular will? Can the will of the people be attained through representatives? How are these representatives to be chosen? This point is of the very highest importance, and we shall hear more about it later, because through the mode of voting it can easily happen that the majority becomes changed into a minority.

Majority and minority. To what extent has the majority the right to consider itself the whole and to ignore or despise the will of the minority? Does not the minority belong also

to *the people?* A short while ago Doctor Woodrow Wilson was elected President of the United States, seemingly the choice of the majority of the American citizens. In reality it was the minority that elected him.

Wilson had	6,193,019	votes
Other candidates:		
Roosevelt	4,119,507	"
Taft	3,484,956	"
Debs	901,873	"
Chafin	207,928	"
Total	8,714,264	votes

The other candidates together had nearly $2\frac{1}{2}$ million more votes cast for them than Doctor Wilson. That was possible because the election was not direct, but effected by means of delegates who were elected in the separate States. As chance would have it, Doctor Wilson's electors were often chosen by only small majorities, so that the large minorities of his opponents counted as nothing; while, on the other hand, the electors of his opponents were often chosen by very large majorities, so that in those cases Doctor Wilson lost only small numbers of votes. Besides, in most of the States the election of the delegates is determined by a mere majority. The split in the Republican party between Taft and Roosevelt obtained in many of the States the designation of delegates in the electoral college instructed for Wilson, although really the minority of all the voters of the district voted for him.

If we already find it doubtful whether the majority may, without further ado, be substituted for the whole and the minority simply excluded, this doubt decidedly increases when we remember that many citizens take no part at all in the elections. The politician takes refuge in the old adage, *Qui tacet consentire videtur.* But this adage is evidently not sufficient here; for one can only approve a resolution which one knows about. In this case it must be assumed, not so much that the nonvoters consent as that they submit, whatever the result of an election may be.

At the election of Doctor Wilson 3,000,000 American voters did not cast a vote, so that the Wilson administration was installed by only a third of the citizens of the country eligible to vote. In countries under a democratic government we often find that only half of those entitled to a vote, sometimes even less, take part in the elections. The majority of this half which does not vote, therefore, constitutes sometimes a little more than a fourth of the real voting population. Can anyone maintain in earnest that the decision of a third or a fourth part of the electorate of a country represents the will of the people?

Does an almost unanimous vote guarantee the will of the people? Perhaps one will admit that it is only a makeshift to speak of the people's will in such cases, but when unanimity or the next thing to unanimity is manifested in the election, then surely may one not speak of the will of the people? Let us see. As a matter of fact it is not an altogether rare occurrence for an entire nation to manifest an almost unanimous opinion at a general election, for example, the French at their choice of both the Bonapartes as rulers. Napoleon III in 1868, when he discovered that his rights to rule were being vigorously contested, had a book written, or wrote it himself, *Les Titres de la Dynastie Napoléonienne.* The motto prefixed to the book is: *Vox populi, vox Dei.* Here it is shown historically that the French constitution of 1799, which called General Bonaparte as First Consul to the head of the French Government, was adopted with more than 3,000,000 votes against 1,500. The vote was repeated in 1804 when the Consul had himself proclaimed Emperor, and the result was 4,500,000 " ayes " to 2,500 " nays." On December 10, 1848, Napoleon III was elected President with 5,430,000 votes against Cavaignac, who had 1,448,000 votes. On December 2, 1851, he was elected President for 10 years with 7,500,000 against 6,500,000; on December 2, 1852, when he was chosen as Emperor, the " nays " had sunk to 253,000. Has history, and more especially democratic history, recognized here the expression of the will of the French people, which as such must be respected? On the contrary, the reign of both Napoleons has not been regarded in the least as the ex-

pression of popular will, but as despotism, "sword rule," "tyranny."

When we compare these various figures and historical observations, we see that there must be certain elements in the construction of a popular will, by means of a plebiscite, which we have not as yet brought to light. For, on the one hand, we find that the Americans subordinate themselves without any resistance to a President who has only a minority of voters behind him, and, on the other hand, that the rule of the Napoleons has been called into question, although they were undoubtedly chosen by the great masses.

Does the English Parliament represent the will of the people? Let us take up the history of England and investigate whether meetings which have been designated by history as *national assemblies* really have represented the will of the people. The English House of Commons was founded in the fourteenth century, but for a long time it meant nothing in comparison with the House of Lords. Not until after the revolutions of the seventeenth century could the conception of parliamentary government in the modern sense be applied to English institutions.

The House of Commons was chosen partly by the counties, partly by the cities. In the cities the franchise took on various forms. In some of them it had become customary for the magistrates to appoint the members; in other cities the property owners voted; in still others the guilds. Quite frequently very small towns had the right to send members to Parliament, towns which lay absolutely in the hands of the adjacent manors or even in the hands of one neighboring landlord. For instance, in one borough the Duke of Newcastle was the owner of all the houses. Once when the citizens elected members to Parliament of whom he did not approve, he turned them one and all out of their homes and let them camp out with their wives and children for six weeks in the open fields. These towns, which in time lost their economic significance but still retained their electoral franchise, became known as "rotten boroughs."

In 1793 it was computed that 172 members of the House of Commons for England and Wales had been returned by

the ministry or individuals and 137 returned under the influence of individuals. Forty-five Scotch members were returned by 35 persons. Of the hundred Irish members 71 were returned by 55 persons. After the union with Ireland the House had altogether 658 members. Out of these 658 members 424 were returned either by appointment or recommendation of 252 persons. Lord Lonsdale appointed 9, the Duke of Newcastle, the Duke of Buckingham and others each 6. The city of Edinburgh had only 33 voters.

The most celebrated of the "rotten boroughs" was a small town which once lay by the sea, but which was washed away by a flood. The elections took place here by a solicitor or lawyer going in a boat to the spot where the town had once stood and there registering the issue of writ returning the two Parliament members. William Pitt chose this town as his nomination borough, in order to be absolutely independent of every constituency.

The "rotten boroughs," through this possession of a seat in Parliament, became a much sought-for commodity; and when anyone acquired a fortune in India, returned home as a "Nabob" and aspired to a social position, the simplest means was to buy a "rotten borough" and have himself returned to the House of Commons. This was not necessarily a sacrifice to his vanity only; it was often a very good financial investment, because his seat in Parliament was utilized to the fullest extent to receive or extort from the Government all kinds of special privileges. Especially the office-holders were appointed exclusively upon recommendation by the members, who, if they belonged to the majority, supported the Government and were indispensable to it. Accordingly the greater part of the members of the House were the sons, cousins, nephews and protégés of the Lords who sat in the Upper Chamber. This is the explanation of the fact that at that time we hear of almost no conflict between the two Houses. The same social class was represented in both, and the Whigs and the Tories, the two parties which struggled at the time for the mastery of the Government, were both of aristocratic character.[1] The House of Commons was not

[1] Compare my essay "Whigs and Tories" in my collection "Historical and Political Essays."

entirely void of a certain sprinkling of members under the influence of public opinion, but in the eighteenth century these really representative elements gradually lost more and more of their power.

Did this English Lower House represent the people? With this body is associated the high fame of the English Parliamentary system. This Parliament, constructed on the above lines, fought successfully, first against Louis XIV, then against France in league with Frederic the Great in the Seven Years' War, and lastly the gigantic struggle against the French Republic and Napoleon. In these struggles it sometimes had public opinion on its side, but by no means always. Especially during the twenty-three years' war against the Republic and Napoleon (1793–1815), which, although it brought to England immeasurable gain, also imposed upon her enormous losses, public opinion was often in despair and demanded a restoration of peace.

In 1809 the city of London even went so far as to petition that Wellington with his army should be recalled from Spain. Fortunately for England and the world the Government which was backed by the great majority of the House of Commons remained firm. It held the members of the House through the benefits which it bestowed on them, just as they in their turn at each new election used every possible means, including that of bribery, to gain the electors to themselves. This double corruption was regarded as an unavoidable means toward building up a firm government on very unsteady parliamentary ground, and traces of it are to be found far into the nineteenth century. Gentz, the literary mouthpiece of Prince Metternich, used the unavoidableness of corruption as the main argument against the introduction of English parliamentary institutions on the continent. As late as 1869 a candidate had 6,400 shillings in silver scattered broadcast about the streets of his nomination borough on election day. The election was contested, but finally declared valid, because it could not be proven that the candidate had given money to the voters; it might have been other fellow citizens who had picked up the money from the streets.

Even in the eighteenth century people were not altogether

unaware of the necessity of election reform. A Duke of Richmond proposed in the House of Lords the introduction of equal universal manhood suffrage. Pitt also had a reform in view. However, not to be unfair to the "rotten boroughs," which regarded their electoral privileges as a well-earned right, he conceived the delightfully grotesque idea of buying from them, for the cash sum of 1,000,000 pounds sterling, this right which had yielded such handsome profits. But before his plan ripened to maturity the French Revolution came.

As early as 1790 Burke raised his voice in warning, and Pitt, when he saw the revolutionary movement gaining ground on the other side of the channel, declared that although he felt the same necessity as ever for parliamentary reform in England, he did not consider it an appropriate time to undertake daring experiments in view of the movement in France. There was also a tremendous unrest among the masses. The French sent over money and agents, and were confident that they would succeed in England, as they had in France, in bringing about a great upheaval by the people. They wanted everywhere to call the nations to freedom and to a war against tyranny. A revolution in England would have given them victory in the war which had broken out with them. But the English held down all revolutionary agitations by force, and when Mr. Burdett in 1809 dared to make a motion in the House of Commons for parliamentary reform he obtained only 15 votes.

Long after the conclusion of peace this feeling, which had been engendered by the war with France, continued. Not until 1832 was the parliamentary reform brought about which so completely changed the character of the Lower House. Again we have to put the question: Has England, at least beginning with 1832, a national assembly that may be said really to represent the will of the people?

The reform was twofold. Fifty-six "rotten boroughs," returning 111 members, were disfranchised; thirty of them had their two members reduced to one. The seats gained in this way were then divided among the large industrial and commercial cities which had come into prominence in the last

century. Twenty-two large towns, including metropolitan districts, became entitled to return two members each, and twenty less considerable towns acquired the right of returning each one member. The number of county members was increased from 94 to 159, the larger counties being divided for the purpose of representation.

The former franchise, which through long-continued custom had assumed such varying form, was now uniformly regulated through the entire land on the basis of property qualifications. Elective franchise in the boroughs was given to all who paid at least 200 shillings house rent, and to all in the counties who could prove that they had 200 shillings income from their own property or from a life-long tenure, or 1,000 shillings from a simple tenure. Until that time no lease holders in the country, even those who had life-long or inherited tenures, had been permitted to vote.

In 1867 a new reform was introduced by which the all too great inequalities in the election districts were somewhat equalized and the property qualifications reduced. In 1872 the secret ballot was introduced. In 1874 a further reduction in the property qualification took place. But even at the present day the election districts are unequal (for instance Durham has 2,600 voters, Romford 53,000). Also many grown men have not the right to vote. Recently the number of those disfranchised was computed to be more than 4,000,000; while on the other hand there are considerably more than half a million voters who, either because they have property in different districts or for some other reason, have the right to two or more votes. In practice this is by no means unimportant, because the elections in England do not take place, as with us, all on the same day.

If one wishes to hold strictly to the dogma that an organized but equalized vote of all citizens, at least of all male citizens, is necessary for the production of a popular will, then we must admit that the far-famed mother country of parliamentarism, England, does not possess even today a true national body representative of the people.

Parliament and the people in Italy. Also in Italy the history of this question is quite remarkable. When the King-

dom of Sardinia-Piedmont, beginning in 1859, gradually incorporated the other provinces of Italy, the people were consulted each time and allowed to decide for themselves through a plebiscite. Great care, however, was taken not to permit the citizens, whose will had been won for the establishment of the state, to take any part in the government of this state. The newly created Kingdom of Italy retained the same electoral franchise as had formerly prevailed in the Kingdom of Sardinia; the franchise was limited to those who paid a direct annual tax of at least 40 lire ($8.00). In consequence, on account of the poverty there is in Italy, not even 2½ per cent of the citizens possessed the right to vote. In 1882 the property qualification was reduced from 40 to 19.80 lire, and in addition the franchise was extended to all citizens who could read and write. Even so, the number of voters was only increased from about 600,000 to 2,500,000, because the art of reading and writing, although the examination was made very easy, is still quite rare in many of the provinces of Italy.

Within the last few weeks a new election reform has taken place. It gives electoral franchise to all citizens who are 21 years old and can read and write or who have performed their military service; also to all citizens who are 30 years old whether they can read and write or not. Through this provision the number of voters has increased from 3,000,000 to 8,000,000, and about 80 per cent of the male adult citizens are entitled to vote, as compared to formerly only 32 per cent. Giolitti opposed the movement to immediately introduce universal, equal suffrage, because the leap would be too great. It was necessary to have a certain transition. He also opposed, for the time being, woman's suffrage. The increase in the number of voters, if the right were given to women, would also be too great and too sudden.

Nobody will deny that both England and Italy have and have had for a long time governments which harmonize in the fundamentals with the will of the people. The course of history has proven it. And yet we have also conclusive proof that the conception of " the will of the people " is not synony-

mous with the will of the majority of male adults and does not necessarily have anything to do with it.

The indispensability of parties. The experience of thousands of years teaches that the overwhelming majority of people does not take sufficient interest in the state to be able to form well-founded opinions concerning either persons or bills and to cast its vote accordingly.[1] In order to bring large masses into political action, there must be an intermediary between the state and the individual. This intermediary is the party. The parties bring about the election, in that they inspire the individuals with views and direct them how to vote. The difference in strength between the various parties is usually not very great; the difference often lies in the very small start which one party has over the other, and this start is dependent upon the organization, the amount of canvassing, and the money used on both sides.

In most elections, except those of rare popular interest, the party that succeeds through some means or other in hauling a crowd of absolutely indifferent men to the polls is the party that wins. Is it then the people's will that has become manifest through this election? We find ourselves in an evident dilemma. If no parties existed, the vote would be so small that there could be no question of an action of the people. If we have parties, it is true, they drag the people onto the stage, but the verdict is pronounced by the powers who understand how to induce those who have no opinion of their own to vote in the way desired.

The nature of the majority. How did people ever come to concede the right of government to the majority rather than the minority? Has the idea of majority a deeper, more moral foundation? As firmly rooted as the majority principle is today, we find very little concerning it in the literature of philosophical and political science for the very potent

[1] In a book which has subsequently come to my notice, *Human Nature in Politics*, by Graham Wallas (London, Constable & Co., 1910, page 232), the author maintains that even in a land of such old political education as England, no county exists where the number of persons actively engaged in politics reaches even 10 per centum of the voters. This book is of a high value for all political psychology. The author has, it is true, rather grotesque ideas concerning German conditions.

reason that there is not very much to be said about it. It can hardly be maintained that on the side of the majority the greater wisdom always prevails. The only reason for its rule is that the greater mass represents the greater might.

This is a purely practical principle. If one wants to avoid a civil war, one lets those rule who in any case would obtain the upper hand if there should be a struggle; and they are the superior numbers.[1] As there are other powers in the state besides the masses, it is only natural that the majority principle, even where it has been laid down formally, should have been very often evaded; also that there should have been many epochs in history in which it was not even recognized. I shall return to this point later.

Rise of the "Proportz" idea. Just at the time when England, through the second parliamentary reform (1867), seemed to be approaching the ideal of a democratic national representation and one might assume that that which still was lacking would follow in a short while, the people became head shy and the question was put, whether the will of the people could ever be expressed by the method of electing members of Parliament through a majority.

The two most eminent advocates of democratic suffrage in England were the philosopher, John Stuart Mill, and the historian, Grote, whose comprehensive history of Greece still possesses a certain scientific value. In this very Grecian history Grote has given most obvious expression to his democratic views of life, and finally letting them run away with him, so to speak, has rejected Pericles and declared Cleo to be the truly ideal democratic statesman. But both Mill and Grote were keen sighted and unbiased enough finally to realize that that which they had striven to obtain — the

[1] G. Simmel, *Sociologie,* page 186, has tried to give a deeper psychological foundation to the majority principle, according to my opinion, however, without success and not without historical errors.

Gierke, *Über die Geschichte des Majoritaetsprinzips* (Regarding the History of the Majority Principle), page 320, calls attention to the fact that in reality the majority principle was first applied by us in trial by battle. The judgment of the court must be unanimous. In the trial by battle the rule held, that when seven fight against seven the victorious majority decides.

emancipation of the individual and the government through the individual — was most seriously threatened by the system itself, by the rule of the majority. Grote said himself that he had outgrown his own belief, because a majority could be just as tyrannical as any despot, even as Napoleon. They pondered on where the mistake could lie, and Mill at last sought rescue in the principle of the proportional vote, for which Hare was just working out the first system.

The representative system suffers under the fundamental error that the voter is only able to choose his man because of one or several traits or tendencies conspicuous at the moment, while on the other hand he does not find many other views and characteristics which he would like to have represented; or perhaps he must even include in the bargain much that is contrary to his wishes. Especially when the representation extends over a period of years, it can very easily happen that the voter and the man he has voted for find themselves ever farther apart.

Rousseau recognized quite correctly this error in the elective-representative system, and for that reason explicitly rejected it in his *Contrat Social.* He recognizes only that people which governs itself directly. "Of course," he says, "this is only practicable in very small communities." He gets no further, however, than the mere propounding of the question. He saw the problem but found no solution for it, so let the question drop. Mill, in his doubts, did not even reach this point, but came to a standstill in the presence of the even more obvious objection that, under the existing system, the minorities in all the electoral districts of the country were completely excluded and reduced to mute silence. These minorities often almost approach the majority, so that the outcome of the election for the whole country would finally depend upon the mere chance as to how the followers of the different parties were distributed among the different election districts. In the election of Mr. Wilson we have already considered an example of this.

Mill believed that these difficulties could be overcome by the proportional system, and since then this idea has taken ever firmer root. The simplest method is the representation

of the minority. To accomplish this, electoral districts are formed, each of which is to have three representatives. However, not all three are to be given to the majority, but one is to be accorded to the minority, if that minority has a certain proportion of the entire number of votes. But this is no way out of the difficulty, because there are often more than two parties, and the result may also be determined by chance in the way the votes are divided between the two candidates of the majority.

Since then countless different systems for proportional election have been worked out (d'Hondt — a Belgian — Hagenbach, Kantorwicz, Siegfried, and many others). Necessarily the system demands that the districts be sufficiently large to have several candidates. No system has as yet found universal approval. They are all uncertain in their effect and depend upon many things, for instance, that the parties estimate their strength correctly and divide their votes, so that no one candidate of the party may receive too many.

In Switzerland, in some of the United States, in Hamburg, and in Württemberg, some kind of proportional election or other is in force today. The name " Proportz " appeared first in Basle in 1890, at first with a certain satirical undercurrent. The majority system, which had existed there up to that time, was called " Majortz."

Appearance of the Proportz idea in France. Of special importance is the fact that in France today the introduction of the proportional system instead of the simple majority system is agitated with much zeal. Since 1871 the French Republic has changed its system of election three times, in 1875, 1884, and 1889. But the French people are continuously dissatisfied with their own elections. " The republic was wonderful," it has been said, " under the Empire." They accuse the Deputies of misuse of their power and the word " Panamist," which has become incorporated in the literature of the world as the technical term for parliamentary corruption, had its origin in the gigantic briberies through which the Panama Canal Company induced the Chamber of Deputies to make various changes in the laws concerning that company.

Some years ago the Deputies increased the remuneration for their services from 9,000 to 15,000 francs yearly, and then added 6,000 francs more as salary for a private secretary. The nickname for a Deputy is therefore "un quinze mille." A story went the round of the newspapers some time ago of a Deputy who got into a quarrel in an omnibus, and wanting to exploit his authority made himself known as a member of the legislative body of his country. But instead of making the impression he had hoped, the public immediately turned upon him and cried: "Un quinze mille! Un quinze mille! À la porte! À la porte!" and put him out.

Anatole France, the cleverest French writer of modern times, in one of his charming symbolic novels, in which he ridicules the history of France, tells of a state where the chosen representatives of the people are called by various names: "Deputies," "Members," "Legislators," "Representatives," and also, but this name is less popular, "rascals." Stories of this kind do not, of course, prove anything. However, the agitation for Proportz has caused voices to be heard, which leave no doubts as to the former system of representation having brought forth much evil fruit.

The champion of the proportional system has for years been no other than Raymond Poincaré, who has now been elected President of the Republic of France. Poincaré was a lawyer and journalist by profession. Since 1893 he has been alternately Minister of Public Instruction, Minister of Finance, and Minister of Foreign Affairs. He, therefore, understands the inner working of the French constitution and the French Government. As early as 1909 (September 19) he said: "For a long time I have had a firmly rooted idea. I am convinced that we shall sink deeper and deeper into the abyss, if we do not determine to make a radical change in our system of representation, extend the basis of balloting, put an end to the inequality of the dominion of the majority, and honestly endeavor to obtain in the French Chamber a true reflection of all French opinions. May all Republicans, who still oppose this absolutely unavoidable solution, now join forces with us before the election corruptions complete their deadly work and make catastrophe inevitable." And

afterwards he wrote: "The worst proportional representation is, according to my judgment, better than the best majority representation. It is none the less true that most of the proportional systems are insufficient. We must have a simple, clear, and just system."

The evil, which M. Poincaré wishes to combat through the proportional system of representation, is not so much the corruption in Parliament itself as the corruption in the administration which results from the present election system. Speaking on this subject he said (June 25, 1912): "Election reform would serve the purpose of putting an end to the régime of favoritism and recommendation to offices, which interferes with the normal activity of the administration." When a muttering began among his opponents in the Chamber, he continued with raised voice: "I speak out loudly what so many think inwardly. In the small districts the voter has not always the courage to be able to detach himself from the influence of certain interests which are at variance with the common interests. Election reform must be the prelude to administrative reform." M. Poincaré has nothing of the demagogue about him; he is an absolutely earnest man, and we must accept his testimony. Since 1906 the voters have also expressed themselves repeatedly in favor of the Proportz. Not less than six administrations, one after the other, have openly advocated it. But until now the opposition party has been able to thwart all efforts. The opponent is always the party at present in power.

Disadvantages to the administration through the majority system. The representative of a district, whether it be for the Chamber of Deputies or for the Senate, is absolute master in that district. The officials from the prefect down obey his slightest sign. For if they arouse the displeasure of the Deputy, he would be able to complain to the Minister at the head of his department, and as the Minister in turn is dependent upon the votes of the Deputies, the career of the headstrong official would suddenly terminate. The appointments to office are made according to the recommendation of the Deputy. The contracts for supplies for state and commune are let according to the recommendation of the Deputy.

The Deputy can obtain or prevent respite in question of punishment or conscription. He knows how to procure a furlough and even to influence court decisions.[1]

This dependence of the French administration upon the Deputies of the people has shown itself to be particularly disastrous in the condition of military affairs in France. The French have tried to introduce the one-year volunteer military service after the German model. But a severe mental examination was attached to this institution, in order that the one-year service might not be exclusively the privilege of the well-to-do. This examination requirement proved impossible in France, because the system of favoritism reduced the examination to a farce. The French, therefore, when they introduced the two-year military service, made it obligatory for all conscripts. Now they are on the point of adopting the three-year service. As the intelligence of a land suffers unbearably when its educated men are torn for full two years from their studies or artistic pursuits, it is certainly clear that a universal military service of three years must indeed work havoc upon the higher educational life of the French people. Only through an extensive system of furloughing, which in turn opens up wide fields to arbitrariness and corruption, will it be possible to maintain this law.

It is of importance whether a country has an efficient, reliable, independent, administration or not, and the honest reformers of France wish to bring their country back to this condition. But the Panamists and all that belong to their kind like to go on enjoying the sweet fruits of the present system, which give to those who are once in possession a tolerably sure and lasting position; and they find their best ally, as Poincaré has pointed out, in the fact that no really satisfactory proportional system of election has been discovered. The experiments which have been made here and there with it, have brought many undesirable features to light.

That the proportional system is a higher form and so far

[1] The corruptive influence of Parliamentarism upon the administration has been described very minutely in the two little volumes by Emil Faguet, *Le Culte de l'Incompetence* and *L'Horreur de la Responsibilité,* Paris, Bernh. Grasset.

an improvement on the representative system is undeniable. But this very higher form, which wishes to do justice to the personal wishes and endeavors of the individual, leads to a furtherance of individual wishes which have nothing to do with the welfare of the whole (which should be the real object of the election) and work directly against it.

At an election in Hamburg [1] for some special reason a group of tailors joined together and sought, by concentrating their votes on a certain candidate,[2] to further some special interest of their own. These tailors were mostly dealers in ready-made clothes and their union had a Jewish character. Immediately a counter-union of antisemitic tailors was formed, who started a counter-campaign. In Württemberg the complaint has been that the proportional system has not realized the hope that the great mass of citizens would be brought through it to the polls; not more than about 60 per cent of the citizens have appeared. Through all kinds of schemes the candidates have tried to capture groups of voters with some special interest; they had special lists printed, on which their name was associated with some such particular interest. For example, a certain candidate made a special appeal to the owners of dogs, who had their own particular grievances because of the dog tax and because of regulations requiring our four-footed friends to wear a muzzle.

Such things contradict in no way the spirit of the Proportz. It is indeed the object of this institution to allow all the various interests of the people to be really represented in the national assembly. But it is apparent that this fashion of bestowing upon every individual interest the right of having a voice in the discussion of the nation does not conduce to the good of the state as a whole. The representative

[1] The Free and Hanseatic State of Hamburg has as complete an autonomy as Bavaria, Baden or any other State of the German Federation. This city republic of merchants gained its autonomy in 1181, its first constitution in 1292, and has been a republic ever since, except during 2½ years of French occupation under Napoleon. It is governed by a Senate and by a House of Representatives, and determines and conducts its own elections. — TRANSLATOR'S NOTE.

[2] This is termed *Kumulieren der Stimmen oder Stimmen Häufung,* cumulating, piling up votes. — TRANSLATOR'S NOTE.

should not be there to represent individual interests, but to keep in mind the state as a whole. With this idea in view many expedients have been tried; the cumulation of votes has been forbidden, that is, a voter was not allowed to cast all the votes that he has for one candidate; it has been forbidden for a candidate to be put up in more than one district; it has been forbidden for the single voter to make up a ticket according to his own judgment; he has been required to affiliate himself entirely with either one party or the other. He has not even been allowed to scratch a name which has been proposed by the party committee and put another on the list, nor to choose perhaps the best men from both parties. Finally, with this same idea in view, the vote for single individuals has been altogether eliminated and in its stead voters have been required to vote a straight party ticket. The problem must indeed be desperately difficult, if to rescue the election, which is to give expression to the will of the individual, regulations have to be resorted to which hamper the independent vote of the individual, neutralize it, and place it under guardianship.

One may give the proportional system whatever form one wishes; perhaps by means thereof one will be able to eliminate local politics, but at the same time the personal relation between constituents and candidates will become eliminated, and with that the expression of the real will of the voters. The individual voter, even the small man, can form a certain personal opinion of the individual candidate who makes himself personally known at the election meetings of the various towns. There can be absolutely no personal opinion concerning a list of six, ten, or more candidates.

The Proportz takes the vote away from the people, so to speak, and puts it in the hands of the party machine; that is to say, in the hands of the party leader. The individual congressman or other representative is no longer the master, but only a subservient member of the party organization. But just because of this, the representative loses that corruptive influence on the local administrative officials, from which Poincaré is so desirous of saving his people.

Proportz and the will of the people. The reform is in-

deed, you see, of considerable import. But the idea that the will of the people is better expressed by means of the proportional system immediately proves to be an illusion. Exactly the opposite is the case. It is not democracy that is consummated in this way, but the organized control by a self-perpetuating group of professional politicians.

Referendum. The realization of the deficiencies in the representative system has, side by side with the idea of proportional representation, brought forth another corrective, which is called *the referendum;* that is, the direct vote of the people on a certain bill. In effect such votes took place as far back as the French Revolution. The constitutions of 1791 and 1793 were ratified by a general vote, as also later the election of General Bonaparte. As another example of the referendum, we might mention the general vote of the people at the formation of the Kingdom of Italy, of which we have already spoken. The referendum has been adopted in all Switzerland, in the federal government as well as in the cantons and the municipalities. It has also been introduced in some of the states of America, and quite recently into the commonwealth of Australia.

The referendum in Switzerland. In Switzerland the system is very popular. But again the idea that the will of the people is thus brought to expression has proven an illusion. Even with the referendum such a large number of citizens take no part in the election that of the forty-one bills which from 1874 to 1898 were submitted to the referendum in Switzerland, not one was passed by the majority of all the voters. In the cantons sometimes not more than twenty-five per cent of those entitled to vote took part. It is, however, especially striking to notice how often the referendum brings about discord between the views of the government,[1] that is, the representative body chosen by the people, and the views of the voters. It is no rare occurrence for bills to be defeated which have been unanimously recommended by the government, by all the parties, and by the press.

A special flaw in the Swiss Constitution is the lack of a provision for pensions for government officials. According

[1] See "Government," in Glossary.

to the idea of the Swiss citizen, the official must save enough from his salary to live on in his old age, when he is no longer able to work. But as the salaries are quite modest at the best, this is not possible, and the government, confronted by the question, whether it shall turn off penniless an official who has grown old in the service because he is no longer efficient, does not find the heart to do so and retains the old man, which of course is a decided hindrance in the efficiency of the service. This fact was so evident that it was at last decided to introduce a pension bill. In the referendum the bill was defeated by a large majority. The citizen and the peasant saw no reason why an official or an officer should receive a pension when nobody gave *him* one. This same idea has sometimes been expressed to me at electoral assemblies in Germany. In a body of representatives one can discuss such short-sighted self-deceptions. One can enter into the objections, can eventually meet them halfway with concessions or win them over through compromises. But one cannot parley like that with all the people; one must seek to frame the bills so that they will not arouse antagonism.

In 1882 a bill in Switzerland for the prevention of epidemics was defeated by a great majority, because with such preventive laws a number of irksome prohibitory measures and restrictions are imposed upon the individual. The danger of an epidemic is remote; the annoyance of preventive methods is close at hand. The masses look no further than this. It was very disappointing to Swiss patriots, when in 1900 an excellent law for sickness and accident insurance, fashioned after the model of German social legislation,[1] was defeated in the referendum. Not until a renewed onset was made in 1912 were the supporters successful in getting the law passed, and then only with 287,565 votes against 241,416. Inasmuch as only 63 per cent of the citizens voted, the majority represented only about 35 per cent of the entire number of citizens entitled to vote.

The referendum operates conservatively. The people want no change as long as the evil does not come too near home. For this very reason the referendum is popular in Switzer-

[1] See "Social legislation" in Glossary.

land and is not likely to be abolished. "Even though in a single instance it may have proven a drag," says the *Neue Zuericher Zeitung* in 1910, "taken as a whole it has not retarded the progressive development of Switzerland." To say the least, this is not a eulogy.

Initiative. As an especially advanced form of the referendum may be mentioned the "initiative," by virtue of which bills, drawn up by the people themselves, not by the administrative board, may be put to a vote. For us it is not necessary here to enter into particulars.

The referendum in Australia. The referendum has impeded progress in Australia as well as in Switzerland. Only recently two bills, which were approved by both houses of the Federal Parliament, were defeated by a large majority in the referendum. Both bills were, as the expression goes, of a political-sociological character.

The referendum in Germany. Let us imagine that we had a referendum in Germany. There is not the slightest doubt that the laws which have meant the most for our well-being in recent years, and which have been passed, though sometimes after much contention, by our Reichstag, the members of which are elected by equal universal suffrage, would have been defeated by a referendum. I am thinking of the entire complex of social legislation, of our colonial policy, and lastly the creation of the German Navy, which is determinative of our national future.

The real foundation for a navy, fashioned after the standard of a world power, was laid by Caprivi,[1] and the final decision in the Reichstag was determined by the vote of the Poles. It is not pleasant now to look back upon how long it took the German people to grasp the necessity of the building of a navy. The great work was not created by a wave of high national feeling, but by clever parliamentary diplomacy. Caprivi had already realized the hopelessness of the so-called Ostmarken-Politik[2] and had complied in several instances with the wishes of the Poles concerning the very strict regulations in regard to their school laws.

[1] See "Caprivi" in Glossary.

[2] See "Ostmarken-Politik" in Glossary.

Out of gratitude they agreed to the German navy for the German people, at a time when the great majority of the Germans themselves would hear none of it. The historical phenomena sometimes are more complicated than they seem to us at first sight.

At the second attempt, under the Chancellorship of Prince Hohenlohe, a certain national feeling in favor of the navy was aroused. An incident happened then which deserves not to be forgotten. The Conservative Party had consented to the first naval demands, but like the Poles more as a result of parliamentary tactics than from inner conviction. On the whole, the opinion in these circles was that Germany was destined by nature to be a land power and that it would be an aberration to carry German policies onto the sea. Not the exports, but the inner market, should be cultivated, a great many Conservatives [1] thought, and there is to a certain extent some truth in the statement that agrarian interests are in opposition to the commercial interests, which lead across the water. Through an indiscretion it became known that one of the leaders of the Agrarians,[2] Dr. Christian Diedrich Hahn, in the course of a conversation had tried to create prejudice in the minds of the Centre Party [3] against the ship bill and had used the expression "that horrid navy."

If agrarian interests in reality are somewhat opposed to those of the navy, it is obvious that industry, which is dependent upon international commerce, ought naturally to stand in a very friendly relationship with it. One would also think that the industrial working classes would be all the more interested in the building of a fleet, as these could say to themselves that by far the greater part of all the money voted to the navy would be converted into wages for them. Creating a navy would mean creating a new extensive sphere of activity for the working man. At this juncture a number of patriots in Berlin conceived the idea of going to the Social-Democratic meetings and making the attempt to explain to the working men what a momentous decision lay in their

[1] See "Conservatives" in Glossary.
[2] See "Agrarians" in Glossary.
[3] See "Centre Party" in Glossary.

hands. How differently the inner history of Germany would have developed, if the agrarian Conservatives had voted against the navy and the Social Democrats[1] for it.

A matter also to be taken into special consideration was that, according to a not absolutely unimpeachable parliamentary practice, perhaps, but yet one hard to overthrow, those parties who carry a bill through also have the moral right to determine the necessary taxes for it. The proposition was now made to introduce into Germany an inheritance-tax, such as has existed in England and France for a long time and has yielded a large revenue. One could, therefore, explain to the working men that if they would vote for the navy, they would not even be taking any of the burden of it upon themselves, for they could stipulate that the funds should be raised through inheritance taxes. On this basis the point now really came to public discussion by the people at mass meetings.

The Social Democrats agreed that in a number of their meetings the subject of the navy should be discussed. I myself debated the question in a large gathering against Mr. Paul Singer, and I am bound to admit that he was in every respect courteous and fair, emphasizing several times the fact that on our side there undoubtedly existed an honest, patriotic conviction. Less courteous was the behavior of the assembly itself, which could not throw off the idea that in me it had before it a representative of plundering capitalism. In other meetings the question was discussed by others, especially our always brave Adolf Wagner against Bebel. Some laid especial stress upon the argument that new work would thus be created for the working classes, an argument with which I have never been able altogether to agree, while others emphasized more particularly the argument of the inheritance tax. One of these latter reported afterwards how completely snubbed he had been by his Social-Democratic opponent, who thundered out at him "What do we care about an inheritance tax? We've got nothing to bequeathe." Against such logic there was nothing to say. The movement was without success, and the German people obtained their fleet not through

[1] See "Social Democrats" in Glossary.

the will of the people, but through parliamentary tactics, which was successful in obtaining the Conservative vote.

Regarding social legislation. These same phenomena are still more striking in the sphere of social legislation. Prince Bismarck had here mainly to fight against the idea that interest on the part of the state in social welfare would have a weakening or paralyzing effect upon the strength of character of the individual. If one would only leave it to the individual workman to look out for himself, and to join with his fellows with this idea in view, it would result in a moral improvement among the working classes which would be of more value than any material provision for him made by the state through the state legislation. The Conservative Party disagreed from the very start with this individualistic doctrine and regarded the social reform with interest. On the other hand, the help of the Centre Party was solicited for the law concerning accident insurance, as the coöperative idea found favor with them. In this way Bismarck alternately, sometimes with the help of the Centre Party, sometimes with the help of the National Liberals,[1] succeeded in getting the first laws passed.

The decision regarding the biggest and most important of these laws, the old-age and invalid insurance law, trembled in the balance. The two most democratic parties, the Social Democrats and the Radicals (Freisinnige),[2] opposed it with all their might, and were able to arouse a certain sentiment against it among the masses. The law, as is well known, gives to every insured working man who is incapacitated for work an invalid pension, no matter what his age may be, and to every 70-year-old working man an old-age pension, whether he be still able to work or not.

In the first year after the law was passed 133,000 old-age pensions were paid, and up to the year 1909, 1,748,137 invalid pensions were granted. But in all the Democratic meetings the law was cried down by the workmen with the argument, "We'll never live to be 70 years old!" And when they were told that the invalid pension was the principal

[1] See "National Liberals" in Glossary.

[2] See "Freisinnige Partei" in Glossary.

thing, they said "Yes, but who knows whether they'll acknowledge us to be invalids." There was absolutely nothing to say against this mistrust, deliberately encouraged by agitators, and as many employers began to count up what enormous burdens would be imposed upon them by such a law, the bill undoubtedly would have been defeated by an overwhelming majority, if it had been put to the general vote.

The bill was finally passed in the Reichstag by a majority of ten votes, through the fact that Bismarck appeared personally and threw the whole weight of his authority into the balance. Ten National Liberals voted against it from pure liberal doctrinism and a majority was at last only won because 13 of the Center members, under the leadership of Baron von Franckenstein, broke loose from the majority of their party, and, refusing obedience to Windthorst, voted "yea" on the measure. I shall never forget the tremendous suspense with which we awaited the result of the vote, which remained uncertain till the last moment. The roll call of votes by name in the Reichstag is taken alphabetically, and, as chance would have it, the letter "L," which was the last in the list to be called, brought nothing but "yeas."

If the bill had been defeated at that time, it would have meant an end to this policy in Germany forever, because the burden which it imposes is not small, and the more it was discussed in the press and in public meetings, the clearer it became to people how large a burden they would be taking upon themselves, and the stronger became opposition. It can be said with absolute certainty that this law, which since has become the model for all the nations of the world, was not passed with, but against, the will of the people. This measure would have been unquestionably defeated by a referendum.

The referendum in England. After what I have said nobody will be surprised that in England it was the Conservative Party which proposed a referendum. For centuries the House of Lords and the House of Commons have been regarded as equal factors in matters of legislation, except that the House of Commons had the sole right of decision in questions of finance. By means of this right the Lower House,

in the course of the nineteenth century, gradually dislodged the Upper House from its position of equality, and finally, in 1911, restricted it to a mere suspensive veto, suspensive for two years. Through a direct threat of revolution, which two of the Ministers, Mr. Asquith and Lord Crewe, brought before the King, he too was compelled to give his consent to this measure, so that the reform may well be designated as a sort of coup d'état.

As a last resort the Conservatives proposed the referendum in case the difference between the Upper and the Lower House could not otherwise be settled. Nothing seems to be more democratic than such a direct decision by the people. But the Liberals refused the proposition. They argued first of all that it would always work in favor of the Conservatives, as it might be taken for granted that any such disputes to be settled would never take place between a Conservative Lower House and a Liberal Upper House. Further, they raised the objection that the whole parliamentary system would thus be overthrown. For what would happen if the majority of the Lower House stood behind the Ministry, and yet the people in the referendum should defeat a bill of this Ministry and of this majority? If the Ministry resigned, the next Ministry would not have a majority in the Lower House. If the Ministry, however, remained, it would be so weakened in its moral authority through the referendum that it would hardly be able to carry on the government with success. Finally, they said, a referendum was by no means so democratic as it seemed. On the contrary it was very undemocratic, because the individual citizen is utterly unable to study and understand complicated bills of perhaps several hundred paragraphs which would be submitted to him. He is absolutely dependent upon what the leaders of his party or what demagogues tell him. Mr. Smith and Mr. Jones would always have political insight enough to choose a party in accordance with their wishes and endeavors, but to bring all the particulars of legislation before them would not be an achievement of democratic government but its annulment.

Indirect elections. It can not be denied that these considerations have a certain objective foundation. But the

last one in fact proves considerably more than it is intended to prove. If Mr. Smith and Mr .Jones are indeed so dependent upon their leaders and demagogues for a just estimate of a certain bill, does not this dependence also make itself felt, at least to a certain extent, when they choose their parties and elect their representatives?

Be this as it may, the idea that the citizen is capable of choosing proper representatives, but not of directly making laws, has not originated here; it has appeared wherever there has been a representative system. In many places in America, as in Prussia, for this very reason, the system of indirect election has been chosen, which indeed was employed at the election of the French National Assembly (1789). The voter is not trusted to select a representative for himself; he selects a man of his own acquaintance, from his own neighborhood, and the delegates selected in this way decide on the national representative.

This system has been a disappointment wherever it has been introduced. The delegates in Prussia, as well as those in America, have become nothing more than letter carriers, who from the very start have no other duty than to cast their vote for a certain man. Only very rarely, when perhaps subsequent compromises were necessary, have these delegates had a certain independent importance. Besides, this system of election, when it is connected with small election districts, hampers considerably election agitation and thus operates conservatively.

Class representation. In despair of ever reaching a real and sensible popular will through such juggling tricks in the way of elections, theorists have from time to time gone back to the old idea of class representation. Bismarck also played with it now and then. They want to group the entire nation according to classes, or, to express it in other words, to organize the naturally existing class differences and to assign to each of these classes a certain number of representatives.

The result of such a system would be that the class or the classes which had the majority would constantly lay the burden on the minority. Everything would depend upon how the number of representatives for the various classes would

be gauged. The most violent opponents of the class idea are naturally the Social-Democrats. But if, of the 397 seats in the Reichstag, 200 should from the very start be assigned to the working class, even they would perhaps become reconciled to the class idea; but much less so the others. Here there is absolutely no compromise possible; on the contrary, the reverse is the case. A compromise between the present existing, opposing interests of the different classes is only to be found in equal universal suffrage, where every class and every interest has range enough to assert itself according to its numbers and its own inner strength.

It is true, we have found, there is considerable reason to doubt whether a majority obtained in this way really represents the will of the people and whether it is calculated to serve the best interests of the state. These doubts are also gaining more and more ground in public opinion. Can not a majority be just as tyrannical as an individual?

The right of obstruction or "filibustering." The safeguard against a tyranny of the majority is parliamentary obstruction. Under obstruction we understand the stoppage of the entire parliamentary machinery through the misuse of some of the prescribed regulations of parliamentary rules. For example, the minority prevents the majority from coming to a vote by its speakers continuing indefinitely with their speeches (speeches have been known to last 24 hours); or the minority makes so many separate motions, one after another, that the final vote is not reached at all; or, if the minority is very strong, it withdraws from the hall at the decisive moment and the parliament is left without a quorum.

These clever little artifices have been employed by the English Parliament, but at present they play a very special rôle in Austria and in Hungary. There the obstruction method is regarded as a proper legal expedient in parliamentary strife, although it is evident enough that by such recognition the principle of representation and the rule of the majority is abolished. If it were true that a chosen representation represents in its majority the will of the people, the obstruction dodge could not well have appeared on the scene. In it we have, therefore, proof from a very different side that

the production of a people's will by means of elections, turn and twist and organize as one may, is a fiction.

What is the will of the people? The people's will is spirit, pure spirit, which physically is neither tangible nor describable.

"The people are like water," said Napoleon I, "which takes the form of the vessel in which one puts it; if, however, it is not put into any vessel at all, it flows in every direction, without aim and without purpose."

More harshly still thunders Hegel: "The people are that part of the state which does not know what it wants."

How scornful this sentence sounds! But it is not so scornful after all. Is it not often the most difficult task to know what one wants, even for the individual? It is not possible, however, for an entire people to know what it wants, because the sum of the individuals possesses no medium through which it can give expression to its will. From whatever side we have approached the conception *the people,* we have established this one fact.

Who belong to the German people? The Germans outside the Empire? Also the Poles, French and Danes inside the Empire? Also the women and children? When a vote is to be taken, above what age? How should the people be classified for the purpose of voting? How is the will of the minority to be expressed? What system of election should be adopted? Who is to organize the elections? Who shall drag the indifferent to the polls? Who is to determine on the candidates? Who is to have the final decision in the handling of the voters, in the forming of public opinion? If, as in France under Napoleon III, a government exists which suppresses the freedom of the press, of association and of meetings, and instructs government officials to lead the voters to the polls, the decision lies no longer with the people, but with the government. If, as in most of the democratic states today, there exists a free press and the right of public meetings and associations, again it is not the people with whom decision lies, but with the party organization, with party machine bosses and money.

The further we pursue our investigations the more clearly

we shall see that a broad, broad chasm opens up between the ideal conception of *the people* and that which in politics and public law we term *the people* and *the will of the people.*

To the German people belong, in the ideal sense, the women and children, the past and the future, the great personalities as well as the masses. The greatness of a people lies in the greatness of its personalities, and yet these are not conceivable without the background of the masses. Without the great personalities the people would be a rabble; without the sounding board of the masses the genius not only could not be heard, he could not even be. To the German people belong Barbarossa and Luther, Goethe and Gneisenau, just as also the great national uprising in 1813.

From the broad base of the masses up to the plain of the heroes there leads an unending ladder with intermediate rungs of intellectual and moral personalities, and likewise from the heroes down to the masses. In this unity, which builds on the past and lives not only for the present but works in this present for the immeasurably distant future, we have the real essence of the people, that which we revere as something holy.

What have the German people in this deep, true sense to do with that gathering of 397 men which forms the German Reichstag? A gathering of 110 Social Democrats, 100 belonging to the Center Party, 25 Poles, Danes, French, and a number of larger and smaller groups of Conservatives, Agrarians, Antisemites, Free Conservatives, National Liberals, Radicals — is that the "German people"?[1]

Democracy itself knows very well that in this sense there is a difference between *the people* and *people,* for it only recognizes the saying, "The will of the people — the will of God," when it finds it convenient, just as it ascribes to the Reactionists the motto, "And the King is absolute — if he does our will."

The choice of the two Napoleons has never been regarded as an expression of the will of the people, although it was almost unanimous.

[1] See "Political parties," also "Reichstag" and parties by name, in Glossary.

The sovereign people. The conception of the sovereignty of the people, which historically has had so much influence, is herewith proven to be a mere fiction. If the people have no will in the terms of constitutional law, they surely can not have sovereignty, i.e., a will above all others and which alone sets a limit for itself.

Those who have followed me to this point have perhaps the impression that I wish to combat and reject — yes, in fact, to demonstrate as absurd — the fundamental principle of democracy. In regard to form, yes; *essentially,* no. How would it be possible for the idea of democracy to play the part that it has in the world's history, to exercise the immeasurable influence that it has exercised, if it were nothing more than an absurdity?

It is true that the various conceptions of the sovereignty and the will of the people have proven, at a closer inspection, to be unattainable, that is to say, absurd. But these *conceptions* may perhaps be only false and insufficient theoretical formulations of truth, which might be better formulated. So it is, in fact.

"The State" and "the people." Let us refrain from proclaiming in solemn tones that the national assembly is the will of the people personified, and let us merely say that through elections and votes, regardless of their various forms and limitations, the will of a large number, perhaps all, of the citizens is brought into a direct relation with the state and its aims. Such a relation is not necessary between it and its individual citizens for the existence of state.

There have been states which have demanded nothing but obedience from the citizen. What his inner feelings toward the state might be, whether he paid his taxes willingly or unwillingly, whether he rejoiced or mourned over its defeats and victories, was a matter of indifference to the state, so long as the taxes were paid punctually and those appointed to military service performed their military duties conscientiously. Prussia was such a state under Frederick William I and under Frederick the Great.

In the proclamation made by the Governor of Berlin after

the Battle of Jena, " It is the citizen's first duty to be quiet," [1] we find a very Philistine, but by no means incorrect, expression of the spirit of the old Prussian state. Also from this very battle of Jena we see how weak is a state which does not know how to bring about an inner relationship between itself and its citizens. It is true, Frederick the Great was victorious in the Seven Years' War, but the epoch which followed demanded more. The army which was beaten at Jena and Auerstädt was on the whole not inferior to Frederick's army; in fact, in many respects it was better. Also the leadership was by no means so devoid of good material as is usually depicted. Who was the Duke of Brunswick's chief of staff at Auerstädt? Scharnhorst! Who commanded the cavalry at Auerstädt? Bluecher! True, the supreme command was in totally incompetent hands, and for this reason the defeat was complete. A victory over Napoleon would have been impossible, even for Frederick, with the methods of the old state.

In 1813 it was possible, and the difference between the Prussia of 1806 and the Prussia of 1813 was due to the fact that in the meantime the will of every individual citizen had been called upon to support the will of the state and had been actually set in motion.

This relationship of the will of the individual to the will of the state is the real substance of that which usually has been designated by a mystic expression, *the will of the people.* The battle cry under which everywhere, in ancient times as well as in modern, this will of the people — now that we are clear regarding its real import, we may use the expression — the battle cry with which this will of the people was called upon to govern states was the battle cry of Freedom.

Whether freedom has always been attained in every respect through the establishment of this sort of government, or whether much was lost, we shall leave open for the time being. At any rate, the close relationship between the state and the will of the individual citizen is of such value and of such importance that, just as the ancient republics were built on this system, so also in the nineteenth century

[1] *"Rühe ist die erste Bürgerpflicht,"* Jena, October 14, 1807.

more and more states have gone over to the idea of a constitution with national assemblies elected by the people; or where such were already in existence, have extended the suffrage.

Defects of popular government. We have seen, however, that the results have not been entirely satisfactory. Ancient Athens, after short-lived glory, found its destruction in the impossibility of carrying on a world-power policy through a governing mass of people. The modern democracies of the nineteenth century have either not had very severe tests to endure or have shown themselves inadequate to them. The great battles against France were waged by old aristocratic England, and the American Republic was not able to avoid a bloody four-year civil war. Also in nearly all such states, particularly in America, France, and Italy, we find complaint concerning the ever-present corruption in the management of the elections.

Election corruption in America. The complaints are loudest in America. The new President, Mr. Wilson, referred in his inauguration speech to the frequent abuse of the government, which had been made a tool of evil-doers. James Bryce in his "American Commonwealth" says that it is fairly certain that about a fifth of both Houses of Congress are quite assuredly corrupt and that a much larger number are under suspicion. Recently a man by the name of Mulhall, who for ten years acted as head agent for a manufacturers' association, published a list of politicians, leaders of the labor party among them, who had accepted money from him. Senator Lorimer, of Illinois, was the first man (1912) to be excluded from the Senate on account of the election briberies proven against him.

A remarkable statistical proof of unreliability in government administration in the United States are the pensions for veterans and the families of veterans of the Civil War. Although 48 years have gone by since the close of this war, the number of pensioners steadily increases and pensions paid out yearly amount to $175,000,000.

Corruption in Switzerland. Also in the Swiss Confederation corruption was great, in the aristocratic as well as the

democratic cantons. Many of the offices in the aristocratic cantons were as good as hereditary, while in the democratic ones they could be obtained through gifts and bribery. This was forbidden as early as the sixteenth century, but the abuses were so ineradicable that they became gradually regulated by law. Those who desired offices or favors were allowed to pay certain sums which were devoted in part to public purposes, and in part divided among all the country folk entitled to a vote. The magistrates, who were usually elected for only two years, tried through all sorts of extortions to reimburse themselves for their expenses. At last in the rural cantons all offices were simply put up at public auction, the provosts, the administration of justice, the highest offices in the state, those of the town councils, and even that of the "Landammann"; other positions were raffled off, and if someone won who did not want the position, he sold his prize to someone who did.[1]

Switzerland and England are both free from corruption today. It is not easy to say why they compare so favorably in this respect to other democratic states. Although this evil has been eradicated, we find complaint enough on other scores. In Switzerland the urban intellectuals are afraid of being ground between the upper and nether millstone of the peasants on the one hand and the factory worker on the other.

Situation in England. In England, where the transition from aristocracy to democracy is still in progress, the new democracy is looked upon with much apprehension. The conservatives, who are already complaining bitterly of the exorbitant income, property, and inheritance taxes, fear experiments in social reform. They say that formerly Parliament was elected by those persons who bore the burdens of the state and paid the taxes, but that now it is elected by those who want something from the state. Capital has been so brow-beaten that it is moving to foreign countries.[2] The

[1] Hasbach: *Die moderne Demokratie,* page 340.

[2] During my last visit to England I heard this statement made on many sides. Especially the decline of English agriculture is said to be partially due to the fear of being dispossessed, and as a result nobody wants to invest the capital necessary for improvement of the soil.

greatest fear of all, however, is whether democracy will be equal to the tasks of foreign diplomacy, of the maintenance and mastery of the great world empire.

All of these governments, we may say, are strong through the inner interest and good will of the masses of their people, but they are too apt to lack that which is absolutely necessary for the guidance of a state — honesty, wisdom, and firmness. All wishes and attempts to overcome this evil by means of ingeniously devised election systems are obviously hopeless. How is the dilemma to be escaped?

The best state. In the old days philosophers took much trouble to construct an ideal state. These attempts have gone out of fashion, and quite rightly. There can no more be an ideal state than an ideal man. But as an academic question of principles, with the consciousness that the result is only to be an ideal structure, the question might be a useful one, and we shall put it and try to see what may be done with the discussion.

We found the democratic, representative governments lacking in true honesty and wisdom. Let us hold then to Plato who demanded that the philosophers, that is, the wise men, or as we would put it today, the best educated men, should rule — the best trained men on whose ability we can rely.

How could that be accomplished? First of all, an excellent school system, in which the boys from educated families, and therefore already having a certain start, should be carefully instructed and strictly trained along with the most talented boys from the masses. At the close of their school years, let us say in their 18th or 19th years, there would be a strict examination, which would weed out all that were incapable. Then would follow a course of study for several years at a university, and again a very strict examination; then enlistment of these highly instructed, finely sifted young men in the service of the government to give them practical training.

After a third examination had proven the man's practical efficiency, an appointment would follow to one of the executive, judicial, or instructive boards, which must be constructed on a progressive scale, so that only the most trust-

worthy and efficient will always be promoted to the next higher offices. Finally at the head of the state is a small staff of elderly statesmen, schooled through long experience, who are always on the watch that in the lower positions only the most efficient shall be selected and promoted.

Prussia after 1815. Has there ever been such an organized state? We do not have to look far. Let us leave the present out of the question and say: "Prussia after 1815." The terrible seven-year crisis after 1806 had acted upon Prussian officialdom and the Prussian army like a purifying thunderstorm. The weaker and incompetent leaders had been weeded out in large numbers by the force of circumstances.

At the head of the state stood in the person of the Chancellor, Prinz Hardenberg,[1] a statesman of not exactly great caliber, but yet a fine unprejudiced intellect, full of devotion to his office. It was he who called Scharnhorst, Gneisenau, and Blücher to the head of the army. After the conclusion of peace he brought it about that one of Scharnhorst's best pupils, Boyen, became Minister of War. Next to him the most able man in the Government (and in 1819 also in the ministry) was Wilhelm von Humboldt. Somewhat later the clever Motz was appointed Minister of Finance and after him came Maassen, who was also very able. Altenstein, a man of philosophical training, the guardian of the Prussian educational system of the universities and high schools, was made Minister of Education. There were also many heads of governmental districts[2] of that day who left behind them a name in Prussian history: Schön in Prussia, Sack in Pomerania, Zerboni in Posen, Merckel in Silesia, and Vinke in Westphalia.

It may be assumed that a government with such eminent personalities at its head took care that the lower offices should also be filled with capable men, and in fact this government accomplished wonderful things. Among Treitschke's many services, perhaps in time the first place will be accorded to his historical research concerning the merits of the second peace period under Frederick William III,

[1] Stein-Hardenberg.

[2] Regierungspräsidenten.

from 1815 to 1846. Through the Paris treaties and the Vienna Congress, Prussia had doubled in size since 1813. Parts of not less than nine different states were annexed to the old provinces. The Republic of Danzig, a piece of the Grand Duchy of Warsaw, the half of Saxony, Swedish Pomerania, the Grand Duchy of Berg, ecclesiastical principalities which had belonged to the Kingdom of Westphalia, the left bank of the Rhine, which had belonged to France, all were given over against their wish and desire to Prussia. Out of this motley, jumbled mass in the course of a generation there was developed, through an efficient civil service, a national sentiment which was able to survive the storms of the revolutionary year of 1848 and afterwards to win the battle of Koeniggraetz.

We were looking for an ideal state, for a government by wise men — philosophers — as outlined by Plato, and suddenly we found ourselves in the midst of Prussia. Did I perform some sort of juggling trick before you? Prussia after 1815, the Prussia of Frederick William III, which enjoyed so little esteem either in its own time or afterwards, is that the state of pure intelligence, the ideal state? It is true, there were people even then who wanted to regard it as such, but I do not wish longer to lay myself open to the suspicion of paradox. I shall immediately prove that such was not the case.

Prussia's shortcomings in the epoch 1815–1848. The Prussian state of that day conformed to the principles of the Platonic ideal state and yet was not that state.

Why not? The State of Prussia was at that time at variance with itself. It aimed to be the German State and was really only one detached particularistic state, the half of whose citizens had been annexed against their will. It was impossible for the state idea to be grasped by all these new citizens, these must-be-Prussians. Only a portion of the old Prussians themselves were satisfied.

The idea which had been awakened for the purpose of bringing to an end the great struggle out of which this state had arisen was the national idea, and not only was the national idea not pleasing to the Prussian state, but it even

fought against it. German national feeling, the appeal to the idea of a United Germany, was regarded as an unlawful offence. Therefore, as a matter of course, it was impossible that in this state there could be any feeling of satisfaction, be the government ever so good or ever so bad.

Why did the Prussian state at that time oppose the idea of a united Germany which meant its own future? For the very simple reason that it could not fulfill it. As long as Prussia did not find the time ripe to create the German state, it had to oppose it, and could not even look on its real patriots — Ernst Moritz Arndt at the head — as unconditional friends, because they conjured up the danger of plunging Prussia into a conflict, in which at that time it did not feel capable of holding its own. Whether it could have come out of the conflict more victorious, whether it could have come out of it sooner, is a question into which we need not enter here. But we see one thing — that in this Prussian state at that time there was a very painful inner discord, which made itself felt in the most repulsive way possible through its persecution of agitators, which often really meant the persecution of the country's best patriots.

We have in Germany two national songs: "*Was ist des Deutschen Vaterland,*" by Ernst Moritz Arndt, and "*Deutschland, Deutschland über Alles,*" [1] by Hoffmann von Fallersleben. What a painful recollection in our history that these two poets, both of them German professors, were persecuted by the Prussian government and removed from their chairs as educators of the youth of Germany!

As the Prussian state after 1815 set itself in opposition to the German idea, the powers of the old régime, which had been overthrown by the Stein-Scharnhorst-Hardenberg reform, again obtained ascendancy, and although Prussia re-

[1] It is of more than passing interest in 1915 to recall that the national song, *Deutschland, Deutschland über Alles,* was written in the spirit of German unification and to combat the particularism of the centuries, which had put Anhalt or Hamburg or Bavaria or Prussia first. The original spirit of the song and the meaning of it has been the spirit of a greater national patriotism, which puts a united Germany first, before and above all local patriotism or selfish interests. It is only a step from this to imperialism. — TRANSLATOR'S NOTE.

mained an absolute monarchy, we find it filled with violent and often odious party strife, which so obscured and distorted the true nature of the state-government by politically trained intelligence, that its contemporaries could no longer recognize it.

It was a sort of tragic entanglement that the state not only did not set those aims for itself which it ought to have set and which were recognized by many people at the time, but on the contrary had continually to invoke powers which were diametrically opposed to its future. A government imbued with such a spirit could inspire no feeling of satisfaction in its contemporaries. Even later, when the underlying reasons were grasped and the difficulties understood, it could not command respect in the ideal sense, as a government ruled by wise men.

The position of King. In this plan of the state you have probably missed the principal figure, the King, whom I have not mentioned at all. I have constructed the state from the Chancellor on to the Ministers, to the host of officials and to the entire official hierarchy. The last decisive voice, however, does not lie with any of them, but with the King. Where has he been? The answer is: The King does not rule by (subjective) inspiration — or if he does, he makes a mistake every time — but in accordance with the objective interest of the state as determined upon with the aid of his advisers; and he can vanish so completely behind this objective public interest, that Hegel nearly one hundred years ago, when from this very chair he expounded the organization of the state in general and of Prussia in particular, dared to say: "The King is the dot on the i."

It was repeated to Frederick William III that here, directly across the street from his own palace, one of his professors had declared the King to be nothing but the dot on the "i." But Frederick William III cared little for theories, inasmuch as he actually did possess the power. He merely answered: "And if he doesn't dot it?" With that he felt he had reserved to himself sufficient royal power. His conception of his royal duty was that the King should so entirely embody the state idea in himself, should so identify himself with the

state, that nothing but the organized will of the state could reveal itself in his own subjective will.

When in January, 1807, he dismissed Stein in such a rude, ungracious fashion, he made reference in his letter of dismissal to the fact that it had always been his endeavor "to choose the servants of the state not from personal caprice, but for sensible reasons." The King will also not be able so easily to evade advice given him by those public servants, "chosen for sensible reasons," or as an under-secretary (*Ministerialdirektor*)[1] once rather brusquely put it: "You can get around the King, but you can't get around the chief of a government bureau."

Frederick William III always rendered the final decision himself before 1806, during the entire reform movement, during and after the great uprising of the people; often under terrible pressure against his own inner wishes, against his nature, but always in the consciousness that, although not the chosen, he was the born representative of the state. He was the most unassuming of men, and never in the least laid claim to his right to rule the state on account of the higher, royal inspiration. He only declared that he as king bore the greatest responsibility, and must be more fully imbued with the national idea than anybody else. Of course, it was absolutely impossible to separate this from his own subjectivity, a nature which was but little suited to an epoch of overwhelming reforms and vehement crises. Through his subjectivity and later through the still stronger subjectivity of Frederick William IV the real essence of the state became obscured, that is, government by an organized self-perpetuating political *intelligencia*.

Lack of representation of the people in old Prussia. There was still something else lacking in the state of Frederick William III, which influenced and was bound to influence most unfavorably the judgment of the contemporaneous world as well as the generation which followed. From the very beginning of the reformation of the state, Stein, Hardenberg, and all the other co-workers entertained the idea that absolute sovereignty must be accompanied by a national assembly.

[1] See Glossary.

The original document which in history gives expression and legal title to this national assembly is "The appeal to my people," [1] although in it no mention is made of a national assembly. Frederick the Great never could have issued such an appeal, nor ever conceived of such a thing, not even in all the extremity of the Seven Years' War. He knew nothing of such a relationship between the state and all the people. This conception grew up first in a state which through his own deeds and their fame became imbued with an entirely different consciousness from that which had been handed down to it.

In 1813 the state could not have been saved in any other way than by the King making a direct appeal to the good will of every single man. By doing this the King won the war. But in making this appeal, thus creating a bond between the government and its citizens which his predecessors had not known, it must be remembered that the government which called on its citizens to place themselves, spear in hand, at its service had also to bring itself into harmony with them.

The will of the King alone, however objective its attitude might be, was insufficient to govern the land; a national assembly of some kind was necessary beside the royal power. This fact was openly admitted and encouraged, not only in Prussia, but in all the world, and according to an ordinance which Hardenberg proclaimed from the Vienna Congress of 1815, it was positively awaited but not realized. Why not? For the very reason that I have given, a constitution was at that time an impossibility. A mere Prussian national assembly would have been an absurdity in itself.

The Prussian national assembly had to endeavor to become the national assembly of united Germany. By creating a Prussian constitution the united Germany question would necessarily be opened. Therefore the national question had a restraining effect on the formation of a constitution in Prussia and in this way operated in favor of the reactionaries. The product of the mighty conflicts that arose out of this

[1] *Aufruf an mein Volk*, a proclamation issued March 17, 1813, from Breslau, to call the people of Prussia to rise and throw off the yoke of Napoleon. — TRANSLATOR'S NOTE.

fact, the three-class franchise, is a cross between class representation and popular representation of the people, which exists in Prussia today, but which Bismarck abandoned in the case of the German Empire, substituting in its stead equal universal manhood suffrage, in order to win over public opinion in all Germany to the great aim of a Prussian-German national state, because the Prussian Kingdom, strong though it was, could not attain unaided its aim of a German union under the black-and-white flag.[1]

Bismarck, therefore, wanted to include the masses, to rally them with their enormous force. He hoped to obtain their support by giving them national representation. To the black-and-white colors of Prussia he added the red.[2] In the spring of 1866 he announced that he wanted to adopt a constitution with a representative assembly on the basis of equal universal manhood suffrage.

In this way the North-German Reichstag was elected, to which the constitution was added and afterwards extended to the entire German Empire. The Reichstag was created, not in opposition to the Government, but in support of the policy of the Government. The creation of the Reichstag is the outcome and completion of the policy which began with the "Appeal to my people" in 1813. The creation of the Reichstag is the embodiment of that idea which first appeared in the "Appeal to my people."

In all other states where similar national assemblies exist, especially in England, France, and America, they have obtained their ascendency either by pushing to one side or completely overthrowing the existing government. In Germany the national assembly was called into being by the government itself which placed it at its side.

Differences among various parliaments. It is a recognized fact that there is a deep-seated difference between the parliaments in England, France, America, Italy, Denmark, Norway,

[1] The Prussian flag is a horizontal black bar above a horizontal white bar. — TRANSLATOR'S NOTE.

[2] "The red" is in this case a play on "the reds," meaning the Social Democrats or Socialists and their red flag, making the German flag black, white and red. — TRANSLATOR'S NOTE.

Holland, and Belgium on the one hand and Germany on the other. The one system is called parliamentarism,[1] the other constitutionalism, or even sham-constitutionalism by those who consider the parliamentary system the only right and justified one. The Reichstag is nothing but the fig leaf on naked absolutism, said Representative Liebknecht[2] in 1867.

We shall therefore have to investigate whether the Reichstag in Germany really has so little influence that it may be characterized as a mere sham. It is true that those other parliaments have much more power than our Reichstag. Those parliaments determine the government; the ministry is composed of the leaders of the majority. This is also the case in Italy, although originally the Piedmont Kingdom was stronger than the parliament. But in proportion to the masses this nucleus was too small, and Italy also gradually slipped into parliamentarism. It is not at all so in Germany. The German Reichstag, in accordance with its very different origin, only influences the government. This influence may be greater or smaller. Let us try to gauge the influence of our Reichstag by considering some cases in point.

The position of the German Reichstag. That the Reichstag gives powerful assistance in the working out and drawing up of statutes; that it carries out ideas of its own; that it rejects important bills of the Government and prevents their enactment, is all so evident that there is no need of special proof. But its influence goes farther. The Imperial Chancellor, Prince Buelow, had to resign when the Reichstag rejected his inheritance tax bill.

[1] Government by a prime minister and his cabinet or ministry, supported by a majority in the house, who remain in office so long as this majority supports them and retire when this majority is lost. The minority acts as a check through criticism of "the government." In May, 1915, the English ministry having several times lost the support of the majority, overthrew the parliamentarism by a coalition which, by admitting the minority to the cabinet, not only abolished the minority and thus unpleasant criticism, but made it impossible for the ministry to be shaken through a passing lack of support. Through the coalition cabinet of May, 1915, the English parliamentary system ceased to exist for the period of the war. — TRANSLATOR'S NOTE.

[2] The elder Liebknecht, one of the founders of the Social Democratic Party.

Those who believe that we are on the way to a gradual introduction of the parliamentary system in Germany say that the overthrow of Prince Buelow was the first step towards this end, because the Reichstag compelled the Chancellor [1] to resign, and it is the essence of parliamentary government that the head of the ministry can not continue against the will of the parliament. This case is, however, something quite different than if the government arose out of the will of the Reichstag in the beginning.

It is most likely true that Buelow finally had to leave because his inheritance tax bill was not approved. It is, however, false to imagine that this was the first time that a Chancellor had to give way before the Reichstag. I shall not speak of Caprivi and Hohenlohe; in their case things are not quite so clear. There is, however, conclusive proof and there is no longer any doubt that Bismarck had to give way before the Reichstag in 1890.

People often still wonder why Bismarck really was dismissed. Most of them satisfy themselves with phrases: "Yes, a young Emperor and an old minister don't get along very well together," "Their natures were too different," "Different temperaments," etc. But this was by no means the reason. Why should not a young man and an old man get along together? Different temperaments have often gotten along together for years. Prince Bismarck and Emperor William I very often did not agree.

Whatever details the future may clear up on this point, one thing is certain, a Reichstag had been elected in which an unbroken majority stood in opposition to the Chancellor. This majority was composed of Social Democrats, the Radicals (*Freisinnige Partei*) under the leadership of Eugene Richter, with whom no conciliation was possible, and the Center Party. There had been such majorities before, and all through the eighties Bismarck continually had severe conflicts. Still he had always been able to find some compromise. This time things had gone so far that no compromise could be found. If he had wanted to continue at the head of the ministry, he would have had to be absolutely dependent

[1] See "Reichskanzler" in Glossary.

on Windthorst, the leader of the Centre Party. This he did not wish to be, and we now know with certainty that he entertained the idea of dissolving the Reichstag by force.

He himself had created the Reichstag, but now it seemed impossible to him to govern the Empire with so many irreconciliable elements. I myself am in possession of a letter from von Helldorf, the leader of the Conservative Party of that time, in which he relates that the Prince told him in all earnestness that he wanted to devote his last years to making good the greatest mistake of his life, which was the creation of equal universal suffrage.

There is no doubt about the correctness of the statement made in the Hohenlohe memoirs in reference to his having already reported to the Kaiser the bloody contests that might be expected. Also from a variety of remarks and indications we can now infer with certainty what he wanted. Already in his "Thoughts and Memories" there are intimations that if the time should ever come where it might be necessary, the German people would find the strength and courage to throw off equal universal suffrage — intimations which were evidently intended to be reread when his plans of that day should be made public. What did he want then? It had all been prepared for a long time.

In the last twelve years of his Chancellorship he had held the Reichstag firmly in hand by means of the anti-socialist law. During the terrible excitement that prevailed among the people after the attempt made on the life of the old Emperor William, he had gotten an "exemption law" (*Ausnahmegesetz*) passed against the Socialists, which was good for two or three years and then could be renewed. The general idea prevailed, that this anti-socialist law was necessary to keep down revolution. With the help of this idea he was able to carry out his social organization policy, because the higher classes, the employer classes, were bound to him through the anti-socialist law, as well as the protective tariff legislation, and had to follow the direction set by him. The large majority of the Reichstag was ready to renew the law and even to make it permanent, with the exception of several

provisos which according to general opinion, shared even by many Conservatives, had not proven their usefulness.

Herr von Helldorf went to Friedrichsruh and asked the Prince for instructions as to whether his party would vote for the new anti-socialist law. A word, the merest suggestion from the Prince, would have been enough and the bill would have been passed. But he did not speak this word. He gave no answer at all, from which Herr von Helldorf concluded that the Prince was not willing to take upon himself the responsibility of the rejection, but wished it notwithstanding. So it was defeated by the vote of the Conservatives; in other words, the Chancellor wanted material for gathering dissension.

He reckoned with the fact that if he dissolved the Reichstag with the anti-socialist law repealed, there would be riots among the Socialists, which would have to be put down by force. Then when the citizens had become thoroughly frightened by the street fights, he wanted to proclaim, or have the Kaiser proclaim: "Under such conditions the German Empire cannot be governed. The King of Prussia lays down the imperial crown." This had already been all prepared for by a resolution adopted and solemnly proclaimed in the Federal Council (*Bundesrat*) [1] in 1884 to the effect that the German Empire was a free federation of princes, which could be again dissolved. However, after having abdicated the imperial throne, the King of Prussia would have summoned all the federal princes to re-found the Empire under all the old laws and regulations with the one exception of universal suffrage, which would not have been abolished in principle, but only restricted through an exemption proviso. This new anti-socialist law would probably have provided that, by means of a special court, everybody convicted of revolutionary ideas should be deprived of active and passive franchise. In order to keep this under better control, an open instead of a secret ballot should be immediately introduced.[2]

Although I am convinced that such a coup d'état would

[1] See "Bundesrat" in Glossary.

[2] Details concerning these proceedings: *Preussische Jahrbuecher,* vol. 147, pp. 1 and 341; vol. 153, p. 121.

have meant ruin to us, as it would have had to begin with a denial of the idea of the Empire, still I do not wish to omit saying that Bismarck personally seems none the smaller on account of it. Before people understood his real plan, many thought that he no longer had any positive ideas, that the hero had grown old, that his strength was exhausted. Perhaps there are also some who fear that the time will come when we shall repent that we did not act according to his advice in 1890 when it was still time. I do not fear anything of the sort and only wish to state the historical fact that Bismarck had to resign because the Kaiser refused to enter into his coup d'état idea.

Other small differences also arose, especially in the foreign policy, as Bismarck inclined more to Russia, the Kaiser more to Austria. These differences were trifling in comparison with the disagreements which had formerly arisen between the old Emperor and Bismarck and yet been overcome.

The decisive point was the coup d'état plan. Because the Reichstag was so bitterly opposed to the Chancellor that he felt he could no longer hold out through peaceful means, he had to retire. In other words, the Reichstag had an enormous influence on our inner conditions, and finally compelled, in the last years of his life, the founder and creator of the Empire to retire. His successors were able to work together with the Reichstag, because the same amount of hate, passion and suspicion was not cherished against them which Bismarck in his twenty-seven years of administration had aroused through the unceasing obstacles which he had to combat on all sides. He had never had a complete, absolutely reliable majority back of him in all that time; and even after his resignation the Reichstag, which he had called into being, refused to send him congratulations on his 80th birthday.

The Radical Party (*Freisinnige Partei*) was henceforth friendly enough to Caprivi and afterwards to Hohenlohe, so that majorities could always be maintained, even with universal suffrage, for the crucial demands of the government (though perhaps after repeated dissolutions of the Reichstag).

I have entered into the history of Bismarck's dismissal to-day because it is still a matter of dispute on many sides;

but more particularly because we have here the strongest evidence of the fact that the idea of the Reichstag being a mere decoration with us, is totally false. Of course, it was the Kaiser, and could be only the Kaiser, who finally dismissed the Prince, but the moral authority of the man who created the Empire and had stood for twenty-seven years at the head of the government was so tremendous that it would have been a moral impossibility for the Kaiser, who had had so little experience, to break with him, if the Chancellor through his relation to the majority of the Reichstag had not placed himself in an untenable position.

We characterize, therefore, our system of government best if we call it *a dualistic system*. The Emperor with the federal princes represents an intrinsic historical force, the hereditary authority, the authority "by the grace of God," elaborated by bureaucracy and the officers' corps of the army. Side by side with this specific organized governing power stands the national assembly, the Reichstag, a mighty organ, exercising control and criticism, the consent of which is indispensable to the government.

In contradiction to our government the parliamentary states are constructed not on a dualistic but on a monistic principle. Their government is directly determined by parliament, appointed by it, and at any moment capable of being recalled by it. That is why the German Reichstag creates an entirely different impression from an English or French parliament.

First and foremost, the German Reichstag has never been accused of corruption, while in nearly all parliamentary states this accusation is being continually made. On the other hand it is quite clear that other national assemblies are superior to the Reichstag in political talent, in strength and importance of its personalities. At our debates, although we have many diligent, capable, clever, experienced men, one often has the feeling of being among "small people." It has been said not infrequently that the Reichstag has a subaltern character. This is quite natural. Men of very big caliber do not want to be elected to the Reichstag. Too much unfruitful time must be spent there; and it does not offer a career.

In France conditions are quite different. A young man who feels that he has political talent and who has the good fortune to be elected to the Chamber of Deputies is sure that in a few years he will become a cabinet minister or at least an under-secretary. He will only retain the position for a short time, but still he will have had it, and that is not only satisfying to his ambition but affords many opportunities in the service as well as out of the service for returns of a financial sort.

To be a member of the French Chamber of Deputies is something which opens out unending vistas. To be a member of the German Reichstag is honorable but not profitable. It is not the stepping stone to the ministry or to any high offices. It sometimes happens that a member of the Reichstag "gets to be somebody." Miquel[1] belonged to the Reichstag before he became minister. But then he had to forget his past as far as possible; and as great a man as Benningsen[2] was never able to attain to the ministry. However, the other way round, the retiring ministers, who in the parliamentary states are the most experienced and dangerous critics of their successors, are rarely elected to the Reichstag.

Here the chasm, between France and Germany, for instance, seems unfathomable. Here we have a professional government with a popular representation as a control station beside it. There they have a democratic government, a government elected by the people. How is it then with this "government by the people"? We have seen that the conception "representation of the people" is an illusion, "the people" have really not elected the deputies at all.

Can the will of the people determine in some other way than through votes and elections? People were of this opinion when in the great French Revolution the new constitution was drawn up, which was to be the foundation of liberty and equality. There we read (paragraph 3, section 2): "The people who are the source of all power can exercise this power only through representatives. The French constitution is representative; its representatives are the legislative body and

[1] See "Miquel" in Glossary.
[2] See "Benningsen" in Glossary.

the King." The hereditary King, therefore, is regarded as a representative of the will of the people. In placing the will of the people and the will of the state on a par, there is expressed in that paragraph an undoubted and fundamental truth — a truth which grows in importance the clearer it becomes to us — how little in fact the will of the people is expressed through elected representatives.

The true nature of the elected representatives of the people. Who in fact does rule in the states where the highest governmental authority is invested in the elected houses?

Now, that we have proven negatively that it is not "the people," we must answer the question positively.

Public opinion never seems to have raised this question; it has been satisfied with the beautiful sound of the words "the people." In the literature dealing with political science the matter has already been fully explained and I shall mention the most important works on the subject and add a few words in regard to them.

Bibliography. Not much of value is to be derived from the often quoted *Allgemeine Staatslehre,* by George Jellineck (second edition, 1905). It is a very keen-sighted, judicial work, but without historical sense and often without historical knowledge. More suited to our purposes is Wilhelm Hasbach's very comprehensive work *Die moderne Demokratie,* which appeared a short while ago (1912). It offers an abundance of material treated objectively, although in tone the author often shows a strong disinclination toward democracy. *Die Entwicklung des Wahlrechts im Frankreich seit 1789,* by Adolf Tecklenburg, is a valuable monograph. J. Unold's *Politik im Lichte der Entwicklungslehre* is a journalistic work with clever and appropriate remarks in single instances, but without any real scholarship. Concerning England, I would mention Lowell's *The Constitution of England,* which although somewhat verbose stands very high for its scholarship and judgment. *Handbuch der Politik,* published by W. Rothschild, has many well-known names among its collaborators, yet the articles themselves are of varying merit. Ostragorski *La Democratie et l'Organisation des Partis Politiques* (1903) is of tremendous strength. A short time

ago (1912) a second abridged edition was published. It contains a great deal of excellently arranged, reliable material.[1] Then also not long ago there appeared the second edition of Belloc and Chesterton's little book *The Party System,* a temperamental partisan work. Belloc himself was a member of parliament and a member of the liberal party, but is full of indignation over the party discipline to which he was compelled to submit. In consequence he is often so blinded that discretion must be used in reading his book. It is to be highly recommended, however, to all Germans enthusiastic over the system of party government. Belloc brings together the most important things to be said against this system.

From the conservative English standpoint a book appeared not long ago by MacKechnie,[2] *The New Democracy and the Constitution,* which complains just as Belloc does, of the tyranny of party-rule, but while Belloc hopes to overcome this tyranny through the development of democracy, MacKechnie sees in this very democracy the grievance of the present and the danger of the future. I do not cite the works of Gneist on the English constitution any more, because in spite of all the merits in their time, they must be regarded today as antiquated. Compare my discussion in the *Preussischen Jahrbücher,* volume 55, page 104 (1885).

In modern democracy who elects the so-called national assembly?

Let us consider England first.

In the middle of the sixties a very popular book on the English system of government was written by Bagehot. This book was also widely read in Germany and had much influence. There we read that the people at the elections are accustomed not to elect a man who is a social equal, but one who stands above them. For they were accustomed from the old aristocratic days to select from the two existing parties the one they wanted and not to demand that the representa-

[1] Publisher: Calmann-Levy, Paris. The second edition has a very interesting supplement.

[2] William Sharp MacKechnie: *The New Democracy and the Constitution.* London, John Murray, 1912.

tive should represent exactly what the constituent wanted, since they took for granted that he would use his own brain and give expression to his own opinion. The great statesman Burke, who was the first among European statesmen to foresee the disastrous results of the French Revolution, put it wonderfully when he said (1791) to his voters: "Your representative owes you not only his work but his judgment, and he betrays you instead of serving you if he sacrifices his judgment to your opinion." A representative, then, should be guided by his own judgment, even though it be contrary to the opinion of his voters. Through this, however, the idea that there is a national will which rules by means of elections becomes untenable.

According to the unanimous opinion of modern observers this respect for the House of Commons has disappeared. Since suffrage has been so widely extended the voters assume that the representatives elected by them will vote absolutely in accordance with the instructions of the party leaders and with the party program and not according to any individual opinions of their own. This phenomenon would be in complete harmony with democratic ideas if the governing majority were really elected by the people or at least by the voters.

Election machinery in England. In old England the elections were determined either by patronage or by influential individuals in the election districts, who supported with their influence and gave further assistance with their money. Since the seventies these individuals have been replaced by election unions, either local unions or national organizations, which are called by the American name "caucus." A constituency of itself is not qualified to combine for the purpose of an election; some sort of organization is necessary. This organization must choose the candidate, must introduce him to the voters, and, most important of all, must bring over to his party the great mass of indifferent, undecided, or ignorant voters. If this were not the case, only a very small number of voters would appear at the polls.

Even in the tremendous excitement that prevailed with us after the war of 1870–1871 only 51 per cent of those entitled to vote went to the polls. In the seventies and

eighties the vote increased to some 60 odd per cent. In recent years it has further increased to a little more than 80 per cent. A sixth of those entitled to vote are therefore still missing at the election.[1]

Without election organization and the campaign that goes with it, it would not be possible to bring about an election which would represent even in a small portion the mass of people. This is not denied by any party or anyone of practical knowledge. The result is, that those individuals who have the organization in hand and who carry on the campaign have the final determination of the vote. The people are worked up to vote for their party candidate and then the election is conducted by the organization.

The election organizations are, as a matter of course, in the hands of the party bosses and their most reliable henchmen. They see to it that their supporters always either get into parliament or into the leading positions in the election organization. What is apparently a people's election is therefore in reality a self-perpetuation of the groups which in the course of history have gradually attained to power. And this is also the reason why the independence of the members has almost entirely vanished and why they are bound in strictest discipline to vote as their party leaders tell them, "with the front bench," as they say in England.

Belloc also maintains that it is an illusion to say that the English Parliament of today is less corrupt than in the eighteenth century. Only the form of corruption has changed. It is no longer carried on through actual bribery, but still in such a way that most of the members feel that they have a right to expect certain privileges from the government. He divides the representatives into three groups:

(1) Rich people in their electoral districts who are ambitious and want to make a name for themselves by being connected with the government.

[1] Lowell (Vol. II, p. 73) tabulates the number of votes at the English elections. The proportion varies decidedly. About 80 per centum voted in England in 1906. In 1895 in the cities of Wales the votes rose to 86.6 per centum, in 1900 sank again to 72.3 per centum. The smallest voting was in the Welsh counties with 62.8 per centum and in London with 65.1 per centum.

(2) Rich people somewhere or other who furnish large sums for a secret election fund.

(3) Lawyers and business men who make use of their seat in Parliament to spy out favorable conditions and turn them to account in their various businesses.

I should like to add a fourth group, namely, the honest patriots who are to be found in England as elsewhere; and also to suggest that all these groups are not sharply divided, but often overlap each other. It is true, however, that the parties as a whole are held together through the party machine and also, to a great extent, through the direct advantages which may possibly accrue to them. This in itself would be no argument against the idea that it is the people who elect the House of Commons and in this way govern, if it really were the people who control the election organizations, but here comes Belloc's main argument.

In reality the political leadership is such a close corporation that it may be said that democratic England is governed by a self-perpetuating aristocracy. This circle of families, who are often related to each other, determine the candidates for election through the caucus and the separate election organizations, and then they themselves in turn are elected by these elected candidates, so that it is a sort of reciprocating affair, and a government exists which perpetuates itself, yet can under certain conditions be substituted by a second group which in the same way perpetuates itself through coöptation.

The influence of the constituency extends only so far that the ruling classes supplementing themselves are compelled to take into consideration the sentiments and tendencies of public opinion. They are self-perpetuating, not arbitrarily nor altogether because of relationship or friendship, but often because of talents with which they hope to strengthen their party. If they did not do this, a portion of their constituents would go over to the other party, and then they would be put out of office altogether.

We are not discussing at present whether this system is good or bad in its results. We are only discussing whether or not it is fact or illusion that the English House of Com-

mons is elected by the people, and we find that it is an illusion, though not an absolute one, because the governing classes are being continually forced to consider the wishes of the people.

In reality it is not the election which enables the people to assert themselves, but the fact that the governing parties must keep in touch with the will of the people. Great care, however, is taken to preserve the illusion that the will of the people really finds expression at the elections, and although a member of the House of Commons would scarcely dare to vote in opposition to his party leaders, the fiction of independence is also preserved there through the big debates that are held, the questions that are put to the ministry, the motions of disapproval that are made, etc. Real freedom is limited to the two front benches, that is, to the party leaders of the different sides. When Belloc's book appeared, the *Frankfurter Zeitung,* which is an extremely democratic organ, indorsed Belloc's statement that the points raised and the interpretations put to the ministry which are intended to show the independence of the members are altogether without value. The *Frankfurter Zeitung* says that the questions are answered either ironically or evasively, and that if the member wants to enter into a closer discussion of the subject, the speaker cuts him off shortly with " the question has been already sufficiently answered."

The independence of a representative from his party organization. This condition of affairs is growing to be regarded as more and more irksome and undignified. The remarkable suggestion has therefore been made that the secret ballot should be introduced into the House of Commons, because, as it now is, the individual member dare not come out with his real conviction. On the other hand there are people who want to oppose oligarchy in the party by giving the constituency the right to interfere at any moment and to recall the representative.

The idea that the English Parliament represents a self-perpetuating oligarchy — and in France and in America it is essentially the same thing — may be followed up in another

direction which comes closer home to us and is a still more striking example.

The oligarchy in German social democracy. I would call your attention to a book by Robert Michels, professor in Turin, *Zur Soziologie des Parteiwesens in der modernen Demokratie* (1911). Michels is a German savant, who, in spite of being a Social Democrat, once made the attempt to obtain a teaching position at the University at Jena. He was informed, however, that the sanction of the Government is necessary for admission to an instructorship in the university there and this sanction he could scarcely expect to secure.[1] He then went to Italy and is now professor at Turin.[2]

It was a very unfortunate episode in Germany's university life. The freedom of science demands that all parties should be admitted to professorship (to habilitate) in our universities. The faculties have only to ascertain the scientific qualifications and moral integrity of the person in question and then to rely upon the never-resting self-criticism of science to rectify party opinions. In the case before us it turned out to be rather fortunate that Michels was treated badly by the governing classes in Germany. He is at least freed from the suspicion of having written from any spirit of governmental obsequiousness.

Michels has devoted his book to proving in detail the fact that even in the Social Democratic Party democracy has been completely set aside and replaced by a governing oligarchy. He says in his preface: "Democracy consists in oligarchy. A party representation means a rule of the representatives over those whom they represent."

He specifies further that the lack of mental contact in the masses makes it impossible for the masses to evince a direct will. Besides, leaders are absolutely necessary for the giving of directions and quick orders in political contests; and further, the life of a party requires an organization, with an official machine and paid officials in the service of this machine.

[1] See "University" in Glossary.

[2] Now (1922), in Basle, Switzerland.

Social Democrats often render zealous voluntary service to their party in distributing handbills and the like, but such incidents are an exception to the general rule adopted by Social Democracy, that every bit of work, from the smallest newspaper notice to the longest speech in public, shall receive compensation. This system, which takes no account of heroism and enthusiasm and foregoes spontaneous volunteer service, employing fixed salaried efficiency in its stead, lends to the party an unusual inner compactness, a power over its own human material, which often undoubtedly detracts from the elasticity, from the initiative, and finally from the very spirit of socialism, but forms at the same time one of its most important and indispensable principles.

We see our Social Democracy in a double organization before us: (1) The real party organization, (2) the trades unions.[1] In principle, trades unions are not party organizations, but in practice they are the same. An expression has been coined: "Trades unions and Social Democracy are all one." Now the trades unions are very much larger and stronger than the party, and as they pursue practical ends, they have far greater means at their disposal. They are sharply centralized in organization. The trades union central governing board appoints the boards of the local organizations. The local organizations elect representatives, who again form the central governing board of the trades union. That seems to be thoroughly democratic. In reality the officials appointed by the central board direct the elections, which means that the board creates pliant tools out of its own constituents. Even when the trades unions organized on these lines do not manage the political elections, the elections are still not managed by the masses themselves, but by some other organization. (Michels, page 51.)

In the large cities, through the process of natural selection, a small circle, composed of the regular attendants at the meetings and of the voters on the resolutions of the organization, becomes detached from the organized masses. Like the bigots in a church, this circle is made up of two classes of persons, those who come through a sense of duty and those

[1] Gewerkvereine; Gewerkschaften.

who come through sheer habit. In all countries this circle is a small one. The majority of members are as indifferent to their organization as the majority of constituents to their parliaments.

The nomination of the party candidates for parliamentary elections rests nearly always with a small clique formed of local leaders, this clique influencing the main body of the party in favor of the candidates which it desires. Often the precinct is regarded as a sort of family estate. In democratic Italy it happens not infrequently that if the father or the older brother dies, or be prevented from taking part, the precinct is handed over to the son or to the younger brother. In other words, it remains in the family.

"Marxism" proceeds from the principle that in time all property will inevitably become concentrated in the hands of the few. In response to this view one of his party associates thunders out (Michels, p. 125): "The concentration of power in the Marx party is more evident than the concentration of capital in economic life. The candidates are not determined by the constituents but by the bosses of the parties." With the sharpest sort of means and threats, for example, refusing all support in the campaign, unpopular personalities are excluded from candidacy. The consequence is Byzantism and slavish obedience. As an instance of this obedience Michels cites (p. 137) how, in accordance with a hint given them, the entire body of delegates at the party convention in 1904 condemned the general strike as an absurdity, in 1905 proclaimed it as a necessity, and in 1906 relegated it to the Utopian nursery dreams.

With the growth of party leadership there also begins a spirit of caste feeling, especially when the leaders retain their office through a long period of time. Only when the ruling class go too far do the masses revolt and proceed actively against them.

The reverence of the masses for the leaders and their desire to imitate them is, according to Michels, very much the same as in court circles. This reverence, as somebody said about the court of Louis XIV, would degenerate into absolute idolatry, if it should ever happen to occur to the leaders

to be good men. Just as at a court, the party leaders are at continual strife with one another over the leading positions. "Hence in all modern people's parties there is that lack of deep, true, brotherly spirit, that lack of human confidence." The leaders of the trades unions also confess quite openly their efforts toward oligarchial government (p. 141).

The same thing was said 20 years ago in France, by the way. In 1884 a book, *Handbuch des Demagogen,* by Raoul Frary, appeared translated by Ostman, in which we find, "The modern demagogue is the courtier of the masses." By exactly the same means of flattery, of fawning, of obsequiousness with which the courtier seeks favor with the king in order then to rule through him and over him, the demagogue seeks to win favors with the masses. In Michels' book we have testimony of how far it has really gone in this direction. "The more organization grows among the masses, the more the masses lose in revolutionary dynamic force," Michels asserts with regret. They anxiously avoid irritating the state too much for fear the state might overthrow the precious party machine which gives bread to so many people.

It was also predicted long ago, from another quarter, that the larger such a revolutionary party becomes, the further off it finds itself inwardly from a real revolution.

Franz Mehring. Allow me here to mention a little personal reminiscence. In 1912 I made the inaugural speech in the university hall and chose as my subject "Mind and the Masses in History" (published in the February number of the *Preussische Jahrbücher,* 1912). In this speech I attempted to show that the masses as such are not capable of action, that it is the organization, that is to say, the mind, which makes them capable of action; that the antithesis, "masses against mind," is false, because where there is a movement in the masses there must be a mind; otherwise the masses would be dead. I began with the great masses of history and unfolded the very fine and powerful organization which is necessary to set these masses in motion.

There appeared an answer in the *Leipziger Volkszeitung,* undoubtedly from the pen of Franz Mehring. (Just before this the election for the Reichstag had taken place with a

tremendous victory for the Social Democrats, who captured 110 seats.) "This speech of Delbrück's," said Mehring — whom, by the way, I consider decidedly the most able man scientifically in the Social Democratic Party — "this speech is, as it were, an answer to our victory at the polls. Although it is not openly called so, it is meant as such." In my explanation of how powerless the masses are in themselves, Mehring saw a desire on my part to say that we had nothing to fear from them; for with the organization we could discuss matters, we could always some way or the other come to an understanding with the leaders. I did not draw this conclusion at that time; I did not even know of Michels' book, but Mehring read my thoughts pretty well notwithstanding.

I was curious how his article would end; how he would get around the conclusion which he had drawn and projected, so to speak, into me; how he would escape it. Mehring hopes that in consequence of the remarkable increase in the productivity of labor, there will arise in the ideal state of the future a people without the desire for plunder; where there is no desire for plunder, there is also no domination by a predatory class, there would then be no monopoly of mental training; it would become the common property of all. And when the masses have the same training as the leaders, they will need leaders no longer, they will lead themselves. With these masses there would then be no parties and no compromises; there would be nothing but absolute surrender.

First and foremost let us be grateful to Mehring for the glimpse he has given of this ideal state of the future, which is usually kept shrouded in a veil of mystery. That the wealth of mankind will increase to unknown proportions has already been assured us here and there. Although it is elsewhere usually assumed that capitalism, by rewarding diligence and intelligence, has brought about perfection in technique and an enormous increase in production, the future is (we are told) to bring forth a much greater production without such reward to the individual and with much less work for the masses.

Let us suppress any doubts we may have and listen to what

this wealth is to accomplish in education. Everybody will enjoy the highest education. That means that all the grammar schools will be turned into high schools and from the high schools the masses, men and women alike, will stream to the universities. How full the lecture rooms will be! But how do we know that the people, when they are educated enough, will have no more need for organization and leaders? Could Mehring really have intended to say to his comrades[1] that they need their leaders at present because they are too stupid to lead themselves? A man of experience might well say that exactly the contrary is the case; that it is really the educated who need organizations and leaders in order to produce a uniform will, because each one feels himself called upon to show independence of action.

Perhaps in the state of the future the highly educated will be different, but the point here at issue has nothing to do with the future but with the present; with the question whether in the next ten, twenty, or thirty years the leaders of Social Democracy will be amenable to compromises or not. During this transition period, as we shall call it to please Mehring, until we shall have brought about high school and university education for the masses, organizations and leaders are, even according to him, necessary. Whether these leaders will use their power to cause a revolution and to bring on a general upheaval at the risk of destroying, not the existing state and existing society, but themselves, or whether they will prefer to compromise from time to time, this is the question before us.

The second alternative Mehring has tried to prove to be preposterous and impossible. Has he done so? We may safely say no, and abide by the admission which this representative of the most radical kind of Social Democracy has not been able to avoid making, at least indirectly, namely, that the people in the present state of their political intelligence can become active only through organization. We may also say that even the Social Democratic Party, the most democratic party there is, has created for itself an organization which actually excludes its own followers from

[1] Genossen.

a voice in its decisions and places government absolutely in the hands of a self-perpetuating leadership.

Where is the influence of the people on the government the greatest? Now that we are clear regarding the nature of representative governments, we may turn our attention to the question whether, under the English system of parliamentary government or the German system of constitutional government, the people have the greater influence on legislation. We shall answer this question immediately with a concrete fact.

In the Boer War the government in London moved, on the 5th day of March, 1900, to defray the cost of war by increasing the income tax to 5 per cent, a very large sum, by new stamp-duties, by a duty on the beer, alcohol, tobacco, and tea. The tax on tea is an especially great burden to the masses in England. On the 5th of March the bill was brought before the House of Commons; on the 7th, without a word of alteration, it was passed, and on the next day carried into effect. In the same way in April, 1901, for the future costs of war the income tax again increased almost 1 per cent, and a duty placed on sugar. (There is a very large consumption of sugar in England.) Also, according to a curious new idea, an export duty on coal was proposed, concerning the expediency of which much might be said from an economic as well as a financial standpoint. This bill was introduced, was passed, and carried into effect on the 18th of April without the House of Commons raising the slightest objection to this enormous economic burden, or to the mode of assessment and of organization.

We have just experienced the counterpart with us. All the world is astonished at the way the Reichstag has within a few weeks worked up into practical form an unusually large revenue bill of direct and indirect taxes, not accepting the bills as they were presented by the government, but refashioning them completely. Every paragraph was picked to pieces during two or three readings in committee; many of the resolutions after being adopted were again rejected and new discussions begun; even between the second and third readings many changes of importance were made. In

1909 altogether new principles were laid down by the Reichstag, altogether different taxes from those proposed by the Government were thought out and decided on.

It was the same with many other bills, especially with the social welfare legislation.[1] Every single clause in this network of laws was worked over in detail by the entire national assembly. And this is no exceptional case, but is regarded with us as the natural and necessary way. Even the opposition parties, when they reject bills as a whole, take the trouble to make them at least as intelligent as possible in detail, and often their amendments are accepted. Even in the general sessions (Plenum) the bills are discussed so in detail, that a large portion of the citizens of Germany, even when interested in political matters, have ceased to read the Reichstag debates or at least not to read them very carefully, because these details are not interesting, are too tedious.

Party government in Germany. Who passed these laws? Ever newly combined majorities. A year and a half ago three bills were passed at about the same time, one in the Landtag[2] (Prussian Diet), two in the Reichstag. In the Landtag the cremation bill was passed by a majority composed of a part of the Conservatives, the Free Conservatives, the National Liberals, the Radicals and the Social Democrats. The majority was so slight that the six Social Democrats carried the decision against the Center, the Poles, and most of the Conservatives.

At the same time the new constitution for the imperial territory of Alsace-Lorraine[3] was passed in the Reichstag against the opposition from a part of the Conservatives, part of the Free Conservatives, the Antisemites, and the Poles, through the aid of another part of the Free Conservatives, the Center, the National Liberals, the Radicals, and again the Social Democrats. At the same time the same Reichstag

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[1] Soziale Gesetzgebung. See "Social welfare legislation" in Glossary.

[2] See "Landtag" in Glossary.

[3] Alsace-Lorraine is governed as a federal territory (*Reichsland*), by a Lord-lieutenant, nominated by the Kaiser, and a Landtag, chosen by the people of the territory through manhood suffrage, as in any other of the German states — before 1914. — TRANSLATOR'S NOTE.

created the stupendous work of the imperial insurance regulations. This bill became law through the coöperation of the Conservatives, the Free Conservatives, the Center, the National Liberals, and a few Radicals against the bulk of the Radicals and Social Democrats.

You observe, therefore, that the majority is not only composed by various combinations, but that majorities were variously composed at one and the same time. With us it is incorrect to speak without qualification of friends and opponents of the government, which in England is always the cardinal distinction. With us all parties at times support the government and at times are in opposition to it. Only yesterday (June 30, 1913) we saw an almost unprecedented and unheard of spectacle, a great taxation measure passed with the support of all the parties, even including the Social Democrats, against the opposition of the Conservatives and the Poles.

Let us now come to the question: Where has the representation of the people a stronger influence on legislation, in London or in Berlin? One would have to say in London, so long as he maintained that the government there is nothing else than the expression of the will of the people. Dualism, indeed, does not exist, but the leaders of the majority bring in the laws and their followers accept them, so long as they do not rebel against their leaders.

Everything, then, would be in order if it were true that the House of Commons represented the will of the people. We know, however, that this is true only with great modifications. It does not represent the people; it does not even represent the voters; frequently too it does not represent even the majority of the voters; but it is, as we know, a clique of politicians, which is self-perpetuating and which is in permanent touch with only a larger or smaller part of the people.

If the ruling party were to remain permanently in office the minority, perhaps even the majority, of the voters would be permanently excluded. But in consideration of the changes of government, as now this party, now that, takes the helm, one can probably say that the people as a whole, even if they do not coöperate *simultaneously* as with us, still *alter-*

natingly exert a strong influence in the government. Whether stronger than with us is a question, because it is impossible to measure really how far the will of millions of individual voters is decisive in an election.

The radical critics, as I have already represented, even go so far as to maintain that the people are entirely ruled out, that the polling is only a trick of the demagogues who have humbugged the people. That is obviously too broad an assertion. For these demagogues must be so clever that they have always the support of the people in the election; then, too, it must be taken into consideration that, if the people are incited against them, they will go over to the rival party.

So, to repeat, in England the strongest influence which the people exert exists not so much in casting the vote as in the concern of the ruling men in power, who, out of ambition, for the sake of personal advantage, and also out of conviction, wish to retain control of the government and to conduct the affairs of state according to their own ideas. If they excite a strong sentiment against themselves, many voters will go over from their party to the other, and the government would thereby pass into other hands.

As we have seen, not very many voters are required to shift the majority from one party to the other. So I give no positive answer to the question whether the people here or in England exert a stronger influence on legislation. They have obviously an influence in England; they have obviously an influence with us. If the opinion prevails that England has a more popular government than Germany, there is some truth in it, but not exactly in respect to legislation. This opinion is in the main to be referred to the fact that the entire governmental organization is much looser there than with us.

Our whole government organization has an enormously rigid structure, from the universal military service to the obligatory school attendance, while over there everything is much more sluggish and easy going. The same difference comes into consideration not merely in England, but also in other countries. Probably it is principally this circumstance which awakens the idea that the government there is

on the whole more popular. When we, however, examine the efficiency of the legislative machine, we then see how extraordinarily important — because they work out the details of legislation — the elected representatives of the people really are with us.

The question which I have propounded, be it noted, is not "Where is a better system of government?" but it is "Where do the people exert a stronger influence on the legislation?"

The questions are not identical, which fact naturally does not exclude my later attempt to develop what advantages the one system has and what the other.

Historical analogies. Before we proceed, however, I invite you to a walk through the history of the world. I shall bring to your attention a succession of periods in which the now established nature of representation, of election, and of the majority in relation to the government was noticeable in earlier epochs. We will seek to widen and deepen our information, because it will help us in the end to pass a final and definite judgment. I will go back at once to the very oldest period, to classic Athens.

The constitution of ancient Athens. Classic Athens received its constitution, as you will remember, after the expulsion of the tyrant Hippias, only 20 years before the battle of Marathon. After some hesitation a purely democratic constitution was introduced by the Alcmaeonide Cleisthenes, the son of one of the most distinguished and autocratic families of Athens, who had placed himself at the head of the democracy.

Now what is this democracy like? The deciding body is the general assembly of the people. The universal popular assembly is, however, to a certain degree a fiction. The Athenian community at this time probably numbered 25,000 men. So many could not possibly assemble at one place and be addressed uniformly from one spot. To speak even to 10,000 at one time demands a very powerful voice, and a long speech can hardly be held before so large an assemblage. To speak at length to even 4,000 to 5,000 is very difficult, and that this number will follow a discussion for several hours is almost out of the question. The people soon

become too restless to hear. A mass meeting of even 3,000 is very large.

So when the sovereignty was transferred to the popular assembly in Athens, the supposition from the very first was that only a small fraction, far less than half of the community, could be present. It was also geographically impossible for all to attend, because the frontier towns of Attica were from 22 to 27 miles distant from the capital. One would not expect the small wine grower or the charcoal burner to take a one or two days' march in order to be able to hold up his hand and vote for this or that measure and then journey back home again.

A constitution which gives decisions to the assembly in the capital puts the conduct of the public affairs preponderatingly into the hands of those citizens who live in the capital.[1] To equalize and to assure their influence to the majority of the citizens who lived out in the country, a council of 500 members, the *boule,* was created, beside the popular assembly. To form this council the people were divided into ten *phyles.* Each *phyle* was again divided into three parts which did not adjoin, but so divided that one-third lay in the city, one-third on the coast for the seafolk, and one-third in the country; an entirely artificial division.

The *phyles* thus artificially constructed out of three separated parts formed the basis for the organization of the government. The assembly of fifty citizens from each *phyle* — a total of five hundred — formed the government. "Chosen by the citizens then," you interject. By no means. The ideas of representation and election were lacking. Instead, a list was drawn up of those who volunteered for the *boule* and from this list the members were drawn by lot. This is the truest and most extreme democratic form of government. One citizen is as good as another. If too many volunteered,

[1] This has been a bone of contention in the republic of Hamburg until today. The state of Hamburg, with 410 square miles of territory, has about 1,200,000 inhabitants (1914), of whom 1,100,000 live in the city of Hamburg. The others, who live in Cuxhaven, Bergedorf, and some smaller communities and on farms, still constantly complain that the townsmen in Hamburg do not give their desires and requests sufficient consideration. — Translator's Note.

lots were cast. In this way five hundred were designated, from which fifty, one *phyle,* were constantly assembled, in order to be able to give decisions immediately on all questions, and they were boarded at state expense.

It was considered a special distinction when a citizen obtained the right to share in the " free table " in the prytaneum. Today the " free table " has disappeared. Robespierre, however, in his speeches to the French characterized it as the highest honor which could fall to any man.

The presupposition of this form of government is that the same sentiment reigns throughout the whole community, and not that established parties are pitted against one another. With us, where it depends upon majority and minority, the system could not possibly work.

To prevent entirely unworthy persons from coming into these positions of honor, there existed a separate procedure against those who had reported and for some reason or other were deemed unworthy. Whoever was not contested was admitted to the decision by lot and thence into the *boule.* Together with the function of conducting the administration proper, the boule had to make preparations and conduct preliminary discussions for the resolutions which were to go before the popular assembly.

Gradually the other officials were also decided by lot. In one case, however, the choosing by lot was not applied, namely, in the case of the generals. To determine a general by lot is extremely precarious for every citizen who entrusts himself to his leadership. In cases where the personal interests of the Athenian citizen came directly in question, where he who takes the spear in hand has to suffer if things go wrong, the office was not determined by lot; instead the choice of a strategist is left to each *phyle.*

Here we have what would seem to be a suggestion of the natural form of representation, yet only a faint one. From all that we have heard we recognize clearly why the election system was not introduced for the boule and for the government in general. Election would by no means have brought the best qualified men into the council, but, instead, the loudest talkers and the demagogues. Thus in the presupposi-

tion of an absolutely uniform sentiment among the various populations this system of solution was hit upon. To be sure it did not work ideally. Socrates himself has expressed his scorn that the men who are to be called to rule the state should be determined by lot, but with all respect to Socrates (I still firmly maintain that the tradition of his greatness is justified), he too has made the mistake to which we all are so prone, that of criticizing without being able to suggest something better. For, whether it would have been better in Athens if the government had been elected must be very much doubted, to say the least. For us, however, it is a fine example of the fact that the idea of representation did not originate as naturally as it seems to us in our environment today.

Rome. Let us go from Athens over to Rome. There we find entirely different conditions from the very first. Roman history was permanently influenced by a sharp contrast between the Patricians and Plebeians, which gradually passed over into the contrast between the nobility and the masses.

The first question, therefore, is, Whence came this sharp class distinction? Mommsen was of the opinion that the patricians constituted the original community and that the plebeians were the immigrants who settled on the territory which belonged to this original community. Mommsen, however, admits that his view is not supported by documentary evidence. He believed, however, that it is impossible to find any other solution. Nevertheless, I believe that I can find a better solution in connection with my studies of war history.[1]

The patricians, according to my opinion, are the old chieftain families, much the same as the " principes " in primeval Germanic history, of whom Caesar and Tacitus have given us an account. These chieftains, comparable perhaps with the

[1] Professor Hans Delbrück: *Geschichte der Kriegskunst im Rahmen der politischen Geschichte,* 3 vols.; Verlag von Georg Stilke, Berlin, 1912; Volume IV in preparation. This is the most comprehensive work of its kind. It is by no means an eulogy to the god of war, but a critical study of the effects of military organization and operations on political and social institutions. — TRANSLATOR'S NOTE.

heroes of Troy, Hector and Achilles, formed a body of knightly warriors, while the great masses gradually lost their warlike characteristics. The Iliad pictures beautifully how unwarlike the mass of the people are in comparison with the few heroes. That is probably a hyperbole, but still not mere poetic fiction, designed to bring out more clearly the strength and excellence of the knighthood. On the contrary, it is really the distilled essence of the historical fact.

These warlike chieftain families, which naturally confined themselves originally to their own clan, because of a process of which accounts are frequently given us from antiquity under the name of *synoikismos,* assembled in one place, in Rome, where a wider circle was developed through the city life and the capitalism associated with it.

It is not true, as, for example, so eminent a scholar as Edward Meyer thinks, that the lower class of the people, the poor, first begin to devote themselves to trade. To carry on trade one must have capital, must have wares which he can exchange, must have ships and crews to man the ships, and he must be able to advance money. When foreign traders came to the coast of Greece they did not bargain with the commoners to furnish them with purple and finery, weapons and ornaments, but they offered their wares to the chieftains. Then again, those who had nothing to do at home put out to sea to carry on trade or even piracy. War, trade and piracy, these form a *triune* and are not to be separated. The trade of olden times is always associated with piracy. In the Odyssey is asked the entirely harmless question, "Are you merchant or pirate?" From purchase to piracy is only a step; from purchase to war is by no means so far as one would think.

Other families prospered beside the chieftain families and by dint of talent, boldness and good luck became well-to-do, adopted the social customs of the latter and merged into their circle. The number, however, continued to remain small. The wealth of these families consisted of goods, precious metals, and especially slaves who worked for them. This wealth which was accumulated in the city very soon extended out into the country districts. At the time when the city

was formed the agrarian community, which is assumed to have originally existed, was dissolved. In the later Roman State only slight traces of it are to be found.

As soon as the common peasant is created through the dissolution of the agrarian community, the particular difficulty of keeping him independent shows itself. A conflagration, a cattle plague, an invasion by enemies, a flood, a hailstorm, immediately renders him without means and he faces starvation. In the case of the agrarian communism the people mutually helped one another. The small peasant, however, with small property ownership and on his own farm, is dependent upon himself. Thus in the course of the years there undoubtedly came times when he and his family could not subsist, when he must starve if someone did not help him.

We have built up, in our own age, an extremely artificial structure in order to maintain an independent peasantry: fire insurance, insurance for hogs and other stock, hail insurance, and life insurance; especially, however, loan and mortgage banks, where the farmer, whenever he is in need, may obtain loans which he can work off in a few years at a low rate of interest. In such cases thirty or forty years ago the small farmer was the victim of the usurers. What could he do? He was entirely at the mercy of the capitalists, from whom he was not freed until the modern legislation and economic regulations.

If you now go back to old Rome with this view of agrarian conditions in mind, you will recognize that these small peasants must in the end be dependent upon the families in the city who were rich enough to advance them money. The legends of Rome represent the Roman patrician to us not merely as a man of rank, but also as a man to whom the plebeian is indebted. The patrician class, through an inevitable process, became lord of the plebeian class.

Rome lies about eighteen miles from the mouth of the Tiber, at a place which the sea ships could just reach at that time. All great commercial cities are not situated directly on the coast, for example Hamburg, Bremen, Stettin, London, but at the head of navigation for sea-going ships. Rome was the great exchange depot, the natural market for all middle Italy.

The Sabines could come down the Tiber in small boats as far as Rome and there barter for what they needed. Rome, from the very first, has been in reality a commercial city (Mommsen with keen insight recognized this from the beginning), although tradition upholds the contrary and always speaks of Rome as a land power.

Commerce is always associated with capital. With this capital the capitalistic families made themselves lords of the peasantry. Why did the peasantry endure this? Why didn't they take up their swords and fight for their freedom? Were these usurers not of their own kith and kin? We have already given the answer: Because the usurers were at the same time the chieftains, the champions, the knightly warriors. It is not a purely capitalistic lordship, nor yet a purely feudal one, but a combination of the two. The patricians were originally not a body complete in themselves; we find younger and older families. Later it was considered an impossibility for a plebeian to become a patrician.

In Germany the same process is to be observed. In the old empire it was possible to enter the princely nobility through an elevation to that rank. Today that is no longer possible. The Kaiser has not the authority to grant the right of equality. The circle of the families of equal birth is closed.

In Rome the intermarriage between plebeians and patricians was also forbidden. The patricians formed a class of higher rank which was descended from the gods. They alone could perform the religious ceremonies and officiate at the auguries, and were naturally thereby called by the grace of God to rule the masses. Military, economic, and finally religious consideration so worked together that, out of the original identical lineage, an upper class was formed which became the ruling one; and I do not doubt that the *eupatridæ* in Athens were exactly the same as the patricians in Rome. Why did this system fall into decay in Athens? We found there the most extreme democracy. Why did the aristocracy maintain its ground at all times in Rome?

I have in regard to this a theory, which has much to favor its probability. Rome was even much more warlike than any Grecian canton, with the possible exception of Sparta.

Sparta, however, was not a commercial city, had no economic strength. Rome was a city with peasantry of Latin blood located in the immediate neighborhood of a foreign race, the Etruscans, and had besides to wage incessant warfare with the other related cantons.

You remember that in the Iliad the horse is not used as a military asset. In the tenth book it is mentioned once that the horse is used as a mount, otherwise it is harnessed to a wagon. Warfare on horseback strengthens extraordinarily the possibility of the development of chivalry, of knighthood. It seems very peculiar to us at first when we regard Hector and Achilles as knights. The knight is, however, not merely a man on horseback, but the warrior, who, because of his personal characteristics, strength, swiftness and feeling of honor as a single warrior, is vastly superior to the masses. When he is mounted the value of all these characteristics is multiplied. Therefore the patrician is at the same time knight and merchant. This condition became obsolete later when the patricians as a class isolated themselves, when they felt themselves merely as masters, withdrew from trade and commerce and established below themselves a new merchant class, which was not recognized by the old classes as of like value and with equal rights.

To bring forward a proof of these hypotheses is not our problem here; for that one must study my *History of the Art of Warfare*,[1] not merely the first volume, which deals with antiquity, but especially the third, which explains the cause of the superiority of the knights of the middle ages over the foot soldiers.

Whatever may have been the trend of events, we have at any rate in the small commune Rome a cast of gentry which militarily, religiously and economically dominated the masses. The canton Rome, as we know it in ancient times, was about as large as our island of Ruegen.[2] The city may have numbered about 12,000, the entire canton 60,000 souls. Rome was

[1] *Geschichte der Kriegskunst.*

[2] Ruegen, an island in the Baltic, 1½ miles from Stralsund; greatest length, 32 miles; greatest width, 25½ miles; area, 377 square miles.—Translator's Note.

then a small community and had a small number of dominating families; only 134 according to tradition.

This aristocracy exercised its mastery by investing one of its number, the king, with absolute power for life. The king in turn had as his councillors the heads of the aristocratic families who were united in the senate. The king had, aside from this council of senators, unlimited power, even that over life and death, and he exercised this power to give the people a new military organization.

This patricianism, as we have seen, was based on the knightly method of warfare, that is, there existed a small clique of elite warriors. Together with these Roman knights we find in tradition the legions, a levy of foot soldiers in the form of the phalanx, as we know them also in Greece; an infantry with swords and spears, which is arranged in rank and file and joined together into a compact tactical unit. How such a compact infantry fights against the knights and overcomes them we can learn in the bright light of history by the way in which the army of Switzerland was formed from that part of the German-Swabian race which lived in the mountains and destroyed first Austria's, then Burgundy's army of knights.

From this observation I made my beginning in the study of war history. My first considerable work in this field had the title "The Persian Wars and the Burgundian Wars, Two Combined Researches in War History," in which I made use of and worked out critically from primary sources the observation that in these two wars the same kinds of weapons were opposed to one another. The army of the Persians consisted of archers and *mounted soldiers;* the Burgundians were likewise knights and archers or crossbow men, with also a few firearms. The Grecians had the phalanx, viz., the tactical body of heavy-armed foot soldiers with spears; the Swiss also had foot soldiers with spears or halberds.

There is, then, exactly the same line-up of opposing forces in both cases, and thus from the Swiss and Burgundian battles we are able to draw conclusions as to the encounters of the Greeks and Persians at Marathon and Platæa, and also as to the Romans, who doubtless had in ancient times the

same material phalanx. The legion-phalanx became necessary for the same reason which had first created the knights, viz., because the Romans had in their immediate vicinity an implacable foe, an hereditary enemy, the Etruscans. They were for a time under the domination of the Etruscans, which, however, they shook off. In this war the body of knights did not suffice; it had to be supplemented by a systematic foot soldiery. There was, it is true, a foot soldiery earlier, but only in the same way as the Trojans and Achaeans aided Hector and Achilles, or the squires supported the knights in the middle ages.

We have two utterances in regard to the relation of the foot soldiery to the troopers, the one from Aristotle, the other from Frederick the Great, which agree almost word for word, although it is certain that Frederick was unacquainted with the utterance of Aristotle. Both say:[1] "Foot soldiery is of value only when it is united into a compact whole; if it is broken up, then a weak detachment of cavalry is sufficient to destroy it." Thus the Roman kings with their great political authority understood how to join together into a firm, compact, disciplined body the Latin peasant, who had become half unaccustomed to warfare, and thus to form a serviceable foot soldiery.

With this creation of a legion-phalanx an antithesis in the constitution of the Roman State appeared. The Roman folk until then had been wholly without influence. It lived in fear of the lords. The subordination to the divinely favored patrician families and the stern power of the king, who went about followed by lictors with axe and rod and enforced unconditional obedience to every command, had completely saturated the folk with the spirit of obedience. Now, however, the peasants and commoners were elevated to military efficiency. Would these warriors thus continually subordinate themselves to the divinely graced government of the patricians and their leaders?

This strained situation was not the only thing which agitated the state. When the patricians invested one of their number with this tremendous authority in order to restrain

[1] *History of the Art of Warfare*, II, 424.

the masses and keep them in order, they thereby gave the king power over themselves, and particularly — history presents certain evidences of this — there lies in the kingship a natural tendency to make itself hereditary. This tendency of the ruling power once established to make itself hereditary, and the mere possibility that the king could force aside the coöperation of the senate in the government, has caused from the very first a conflict of interests between the king and his colleagues, and now came the second tension between the patricians and the militarily organized plebeians.

Under conditions of which only legendary accounts are given us, this situation finally led to the dissolution of the kingship; that is, from now on instead of the one lifelong head official, two were chosen, and these only for one year, called consuls (originally praetors). For the rest, however, the highest authority remained what it was, only modified in that it was now shared by two, each of whom was empowered to declare an intercession to the other, that is, to prevent an official action, and with the obligation to retire from office at the end of a year in favor of a successor. These two consuls were to be chosen by the army, that is, by the militarily organized folk, the plebeians.

The Consular constitution. With the consulate government there came into the Roman constitution, which until now was purely aristocratic-monarchic, the democratic element as an inevitable result of the military organization of the folk, which necessarily in the end makes itself felt as a political factor. We have, from now on, in the Roman government a duality: the higher officials, the consulate, which differentiates itself afterwards into still other officials, and the popular assembly, which chooses, or rather, designates, these consuls.

The Roman law does not say that the one whom the people have elected is immediately consul, as with us a representative to the Reichstag is a member on the day on which the election commission has determined that the majority voted for him, because the consul does not enter office until his predecessor has handed over to him his authority through certain holy signs and occult rituals. If the former consul

has not retired the other can not take up his duties, for he would not then possess the holy character and the true authority of his office. We have then in Rome a self-perpetuating supreme authority, emanating from the gods, not from the people, yet effected by democracy in that those very men who are to exercise this authority are determined by the mass of the voters.

The fable of the constitution of the Servii. The picture which I have presented to you is in sharp contrast to that which you all have probably learned in the schools and even later in the university; that is, the constitution of the Servii. According to that view, the king is not supposed to summon the people in a mass to the ballot, but to have divided them artificially into five classes according to wealth, and to have introduced not a dualism of aristocracy and democracy, but a domination of the middle class. But this is not compatible with the entire course of Roman history, which nowhere presents any trace whatever of a middle class.

After I had long entertained the suspicion that there must be an error here in the traditions, one of my students, Francis Smith, once more thoroughly searched the Roman sources, and what did he ascertain? This famous constitution of King Servius is an invention of the age of Cato, an invention designed for propaganda. When old Cato, the censor, saw that the Roman politics were falling into decay, he made the trial of what we today call a middle-class policy, and to make this more plausible and pleasant to the people a wise antiquary one day discovered a document containing the constitution of Servius. Not as an innovation but through a restoration of the old customs of the fathers were the people no longer to vote according to universal and equal suffrage, but were to be divided into classes. That happened in 179 B.C., as Livy informs us in a passage which has never been understood until the present.

The cases in which a supposedly newly discovered old document is used in order to give foundation to some reform or newly created policy or other occurs in antiquity at least three or four times. When the pious Jews in the time of King Joshua, in about 600 B.C., wished to put through the

tithing of the years' yield and assure it against all opposition, there was found a fragment of a book of the law, which we have today in the Book of Deuteronomy.[1] Again when the Jews returned from the Babylonian captivity [2] and the people were to be held together in the firm bonds of the theocratian code, a holy writ was again found, the Priests' code, which today constitutes a large part of the Pentateuch. When the aristocrats in Athens, in the year 411 B.C., wanted to make a change in the constitutions, the constitution of Draco was found. When in Sparta a reform legislation was to be carried out, the law of Lycurgus was discovered.

Each of these documents is, then, a fiction of a later period, which was to serve a particular tendency and was so cleverly made that it has pulled the wool over the eyes of centuries. But as soon as it is recognized that in Rome a middle class as a political power never existed, but always aristocratic magistracy on one side and democracy on the other, one soon comes to the conclusion that even the famed constitution of King Servius Tullius belongs in this collection of pious deceptions.

The Roman dualism. The Roman teachers of constitutional law set up as a fundamental principle that the sovereignty is with the people, or, as we today better express it, since the idea of "people" is too mythical for us, with the voters. It has happened that the popular assembly, because of the sovereignty which had been invested in the people, has overridden existing laws and constitutional misgivings. According to this, Rome would have been a pure democracy. Directly along with this, however, we find that the higher offices were not designated by the people, but were self-perpetuating, and that the people merely designated the incumbents of these offices, and the people in its military organization at that. By companies, by centuriæ, the voters step up and openly express their vote before the highest commander. We have then a democracy under official au-

[1] Deuteronomy, xiv, 22: "Thou shalt truly tithe all the increase of thy seed, that the field bringeth forth year by year."

[2] Ezra, vi, 2.

thority, and where the military authority was not sufficient the priestly authority helped out.

The Romans always paid great attention to the auguries by birds, which meant good luck or bad luck to the ancients. We know this from the Iliad, where Hector acted in opposition to them. When a consul stands before the popular assembly and notices that it is not working as he wishes, it can happen that he suddenly sees in the heavens an inauspicious flight of birds. They had already flown away to be sure, but he had seen them and to his regret had to send the popular assembly home again. Or, when they were going into battle, and the outcome depended upon the soldiers' faith in a victory, they took along with them holy birds in a cage for this purpose. If the holy hens eagerly pecked up the corn that was thrown to them, it was a good sign and the moment for the battle was auspicious. If they had not appetite and did not eat the corn, it was a clear token that the occasion for the battle was not favorable. One consul, Claudius, is said to have once cried out in a sea battle when the birds would not eat (the bird tender had probably misunderstood the consul's directions in regard to the feeding): "If they won't eat, then let them drink!" and threw them overboard. He lost the battle.

The Roman people thoroughly understood the value of religion to the state, and liked to choose its leaders from those families which were descended from the gods or understood how to stand in wonderful relation with the gods and to learn the future from them; these leaders they obeyed.

The tribunes of the people. Imperium and augurium, as Cicero expresses it, or as we say today, the "blue-blacks"[1] ruled the Roman folk. If it had remained so, democracy in Rome would have had little meaning, even if the people did choose the magistrates. So the democracy after long struggles created for itself alongside the state a ballot and polling organization, the centurian meeting, its own organization of plebeians in the tribute meetings with the tribunes of the people at the head. These have originally no magisterial

[1] The "blues" being the Conservatives or nobles in the Reichstag and the "blacks" the Catholic or Center Party. — TRANSLATOR'S NOTE.

authority, but merely authority somewhat comparable to our modern representation; over against them stands the magistracy, which represents the supreme authority of the state as such. The tribunes of the people do not do that.

The dualism of the Roman state is splendidly characterized in the well-known formula, I might call it the formula of state, "Senatus populusque Romanus." What was the senate? The senate was, in the earliest times, the confederation of all high officials. All who had once been consul, praetor, aedile, now together constitute the senate. Thus, if we were to form a senate today under our conditions in Prussia, it would not be composed of the members of the House of Representatives (*Abgeordnetenhaus*) [1] nor of those of the Lords (*Herrenhaus*), but a senate in the Roman sense would come into existence, if we assembled into a great federal council all the Ministers, *Regierungspraesidenten, Oberpraesidenten, Gerichtspraesidenten, Generalsuperintendenten,* the bishops, the generals, active and retired.

The Roman consul combined all these offices in himself and he had priestly functions besides. What a mighty authority such an assembly would exercise, in which all political intelligence is allied! So much the more was this the case in Rome, when in the course of time the strong circle of patricians was dissolved. When the plebeians won the right to be chosen for the high offices, the difference between patricians and plebeians was gradually obliterated.

Yet the patricians maintained themselves so long that the newly rising upper classes of the plebeians likewise assumed an aristocratic character. This new aristocracy was called the nobility. The nobility comprised then those great families which customarily filled the high offices. For this purpose they have long since detached themselves from trade and commerce, industry, and the winning of wealth in a capitalistic way, and live only for the state, but also from the state. The kernel of the nobility is the senate. Finally one no longer asked whether a man be a patrician or plebeian when he came into office.

[1] See *"Abgeordnetenhaus," "Herrenhaus," "Regierungspraesident," "Oberpraesident," "Generalsuperintendent"* in Glossary.

The difference between patrician and plebeian became so far shifted that the typical representative of the proud Roman aristocracy in tradition is a plebeian, namely Cato. The Porcii were of plebeian blood who in the course of generations entirely entered into the circle of the ruling families. "Senatus populusque romanus" is therefore the formula of the state, much the same as the formula in use today: "We, William, by the grace of God, King of Prussia, decree with the assent of both houses of parliament."[1]

The dualism of the Roman constitution occasioned never-ending internal strifes. Again and again the tribunes of the people sought to enlarge their power and at the elections to bring their friends into the consulship. The nobility on the whole defended itself successfully against this tendency by reason of its regulations, its wealth and its clientele. Under this constitution Rome not only became great, but it conquered the world.

The constitution did work very well, in spite of continual inner tension and incessant strifes, as long as the canton Rome was small. When, however, Rome grew and gradually extended over entire Italy, the number of Roman citizens also grew and grew very rapidly, because in this regard perhaps the only one, the Roman senate was extraordinarily liberal, namely, in the granting of citizenship. The Athenian democracy was very pedantic in this respect and was not willing that the other Greeks who wandered into Athens should immediately obtain Athenian citizenship. In Rome the senate, as highest administrative official, had the decision in its own hands and it was exactly to its interests that it could eventually admit entire communities and entire races to the rights of Roman citizenship. Because the greater the mass of citizens, the easier it is to manipulate, the easier became the control of elections.

How can all the citizens, perhaps 250,000, come together on the Field of Mars and vote? That is pure mockery where the greater part of the citizens live far off, as far distant as the Adriatic Sea and the Po. What do these elec-

[1] "Wir, Wilhelm, von Gottes Gnaden König von Preussen verordnen mit Zustimmung beider Häuser des Landtags."

tions mean for the citizens who live more than a day's march from Rome? This obstacle was met from the beginning in that the voting was not according to individuals, but according to tribus or according to their subdivision, the centuriæ, i.e., not so many thousand "yeas" against so many "nays," but so many tribus and centuriæ, respectively, for and so many against. The centuriæ and tribus of the city of Rome have, then, no more significance than those of the Umbrians in the north or of the Lucaneans in the south, of whom only a small part happen to be in Rome and give their votes.

The last tribus was formed between the first and the second Punic wars; that was the thirty-fifth. Later no more were formed, but new citizens were assigned to the existing tribus. One recognizes that the result of a ballot depended entirely upon how the election organization brought people who were not in Rome into the tribus. Unfortunately we know nothing of how this election organization, the caucus, was organized in Rome, nor how it worked. It must, however, have existed in a thoroughgoing manner, as the leading families had a very great interest in who came into the consulship. The folk was quite indifferent as to who was chosen, whether it were a Fabius or a Claudius, a Cornelius or a Caecilius, but these families were very much interested as to whether they had control of the proper number of centuriæ, because the one chosen had a high office for the next year and at the same time a lucrative one, if war were waged, because of the booty, and later especially because of the administration of the provinces in the pro-consulship.

We have, to be sure, a letter from Quintus Cicero to his brother Marcus as to how one must win the consulship in Rome. There is absolutely nothing in the letter about the secrets of the ballot giving; merely the honor and good fortune of being consul of world-ruling Rome is spoken of time and again. Surely this honor was very great, but democracy in this form really becomes a mockery of itself. It can no longer work democratically, and we see immediately why. There is one thought lacking, which in such a situation today would perhaps be on the tip of our tongues: the idea of

representation. Why must the citizens from the entire empire vote personally each time in Rome? Why is there not a representation of the Roman people created by election as a check to the senate?

Lack of the idea of representation in Rome. This question is repeated more insistently when we see that those parts of Italy which were deprived of Roman citizenship finally rebelled. The Romans, too, had gradually become narrow-minded, did not wish to allow others to share in their advantages, and even refused citizenship to their long-tried and trusted allies. In their indignation over this the allies desired to shake off the rulership of Rome and establish a state of their own with Corinium as the capital.

We have coins on which a steer, the emblem of Italy, is goring with its horns a wolf, the emblem of Rome. We know, too, how this new republic wished to frame its constitution. It was simply a copy of the Roman constitution. Here, too, it was required that the citizen who wished to exercise his rights of citizenship should journey to the capital to cast his vote.

The question has long since arisen why here, at least, a representative system was not organized, but up to the present time no answer has been given. We have become acquainted with one of the essential reasons at the beginning of this study, namely, that the creation of a will of the people through representation is an illusion. The fiction of such an arrangement was so clear to the ancients from the very first that they did not even make a test of it; especially, too, because they still lacked the technical means of maintaining a connection between electors and elected, and of exercising a control over them. Publicity through a widely circulated press particularly was lacking. Representation was further impossible because there existed no uniformity of ideas in this mixture of various races on Italian soil. If they had been allowed to ballot in the separate districts, there would have arisen at once the danger that they would wish to go back to their former condition of independence. Only through the strictest centralization of the ballot in the one city was the union preserved.

We will, however, not go into details here, but only maintain that the representative idea was unknown to antiquity, that only the direct citizen election was known with the small peculiar concession of the vote by tribus and centuriæ instead of the vote by poll. We know indeed now that even under the present condition representation is a very inadequate conception, with a yawning gap between achievement and ideal. In antiquity it was considered impossible to go even so far as this. It is also of interest to us to note the fact that in Athens the boule was not an elected representation, but was a representation determined by lot.

On this rock — the impossibility of organizing a democracy — the Roman republic was wrecked in the end. The constitution which had worked in the city-state refused to work in the territorial state which had been created through the war of conquest. The machine began to skid and finally stopped running. It plunged from one revolution into an other, from one coup d'état into another. The supreme power was finally assumed by a general, the imperator, who did not call himself king, nor was he king, but took his title from the first holder of the authority, Cæsar.

The Empire as legacy of the Roman democracy. This Cæsarism or Kaiserism, which always had more the character of an office than of an hereditary kingship, is the legacy of the Roman democracy. Only three times in the entire imperator epoch did a son succeed his father. The imperium gradually sought to vest the entire state authority in itself, after it had granted essential functions to the senate in the beginning. There never came to be a real organic coöperation between emperor and senate, as there had once been between the popular assembly and the magistracy.

Dualism in Rome and in Germany. The result of our investigation is that Rome became great with a dualistic constitution, a constitution under which it never came to a settlement between two opposing principles, never to the decision as to where the sovereignty really lies. Even if the teachers of constitutional law say (as we have heard) that the people is sovereign, yet we have seen that a piously observed practice directly refutes this. Even today in the

German Empire the teachers of constitutional law are racking their brains to find out where the sovereignty really lies, with the confederate princes,[1] with the empire, with the emperor, or with the princes as a whole. The question is not to be solved.

The Roman example may console us in this regard, if the German people on the whole are successfully led. A strong authority "from the grace of God" and "the will of the people" continually coöperating with each other will maintain a continued equilibrium; that is what constituted Rome's strength and gave it the rulership first over the Latin race, then over Italy, then over the world.

The Kingdom of the Franks. From the Roman Empire we will pass to the Germanic realms in Roman territory, and immediately to that one of them which alone had any duration, to the realm of the Franks. All other Germanic kingdoms in Roman territory were established by wandering, conquering tribes. The Franconian Kingdom, on the other hand, was founded by a conquering king.

Chlodwig and his sons first brought a succession of smaller Franconian tribes under their sway and then subjugated entire Gaul, which was still Roman, while only a small part of the Franks themselves left the homeland and took possession of a few provinces on the boundary. In the main, however, they treated the Roman land as subjugated territory and spread over it a thin layer of a new ruling class of Germanic warriors and lords. Thus the only unity in this state was the dynasty. By far the greater part of the masses was Roman. Even the Germanic parts had very little contact with one another and had but little in common.

The dynasty had made the state and as a result treated it as its own propery. Had the dynasty been taken away, there would have been no more unity in the state. The king, therefore, considered his empire as a piece of property, a private estate, and divided it as an inheritance among his sons according to the number which he happened to have.

There can be no stronger proof of the original power of the kingship than that it regarded the state as its own private property. The first hundred years of the Merovingian ruler-

[1] See "German Empire" in Glossary.

ship are therefore an epoch of the most extreme despotism. Although the old Germanic idea continued to exist: that the army stands beside the king and above the king and manifests his will — and the army is the people — still, this Germanic idea could have no practical force any more, since in the gigantic Franconian state, extending from the middle Danube to the ocean, from the North Sea to the Pyrenees, only a very small part of the army, of the warriors fit for army service, could come together. The Franks put up with this despotism for over a hundred years. Finally, however, they revolted, and the dynasty itself gave them this possibility through its own family quarrels.

When Clothar II, the son of Fredegunde, had brought Queen Brunhilde, the enemy of his mother, into his power and had sentenced her to a horrible death (she was dragged to death by a wild horse) he had to give the Franks, who had helped him win his victory, a constitutional promise. The principal stipulation was that in the future he would appoint as counts only resident owners of large estates.

The Edict of Paris, A.D. 614. This edict of Paris in the year 614 is the first of numberless documents in Romanic-Germanic history, for which the name Magna Carta was used 600 years later in English history. All of them are intended to limit in some way or other the power of the king. How many large property holders would there have been in a county who were qualified to rule the county? The king, in binding himself to appoint a count only from their number, granted an essential part of the authority to this class, because the office of count comprises everything: the administration, the court, the military command. Beginning with this edict of 614 there was again developed in the Germanic-Romanic countries a kind of dualism in the sovereign authority, such as we met with in republican Rome, twin powers, each one of which limited the other.

Comparison of the Roman emperorship and German kingship. In the Roman Empire such a limitation on the emperor through the senate could not be attained, although the attempt was made, because the emperor was the lord of the powerfully disciplined army of mercenaries and of the

Prætorian corps in Rome, which obeyed him unconditionally, would put him to death perhaps if not satisfied with him, but as long as they recognized him as emperor, executed everything which he commanded. What can any constitutional stipulation, or any other power, do against such a mercenary army, against a bodyguard composed of Germans?

That was not the case in France; for there was no standing army, no disciplined army. The disciplined Roman army collapsed in the third century, and the Roman Empire was thereby exposed to the barbarians. In place of the disciplined Roman legions came first the barbarian soldiers, then came wandering barbaric tribes, and finally they obtained control of the government. For the barbarian is a natural warrior.

Value of military discipline. The civilized person necessarily loses his warlike characteristics the higher his civilization is, and only artificially through discipline can military strength be restored and at the same time held in close relation to civilization.

Scharnhorst has well said that the standing army is the basis of every civilization, because it renders the more highly cultured people capable of defending themselves against the less civilized. The Roman Empire learned this. When it no longer had a disciplined army it fell a prey to the barbarians, and the barbaric warriors conquered the greater part of the Roman Empire and then, as a military caste, set up there a new political system. What sort of a military constitution did they have? A disciplined army no longer existed, could not be raised, because after the third century the world relapsed from a money economy to a barter economy.

In order to maintain a disciplined army, a regular monetary system, regular taxation, and regular pay is necessary. For more than a thousand years the civilized world was under a barter economy (payments in produce in the place of money), a condition incompatible with the maintenance of a standing army. In its place first appeared the barbaric warrior class, who invaded the Empire and subjugated it and developed into the feudal warrior class. That is to say,

the king, the counts, the individual great landowners, and later even bishops and abbots maintained warriors as retainers on their estates.

This system of government is founded on a broad basis by the system of feudalism. It is possible to maintain only a few warriors at court, and if the king gives property to the warrior in order to retain him, the result is that he soon becomes a farmer and in one or two generations he is no longer a serviceable warrior. For this reason the Franconian Empire created the feudal system, that is, the entrusting of property to a warrior for life. When the man died, the estate reverted to the king or to the one who gave it. The estate must, therefore, constantly be conferred anew, but need only to be conferred upon those who can offer the proper return, that is, be serviceable warrior.

The feudal system. Further, this feudal system does not give the king the strong backing of the disciplined army, but only power in so far as the feudal knights, who are found in several ranks, really follow their liege lord. Inasmuch as in the land of the Franks the kings, beginning with Clothar II, entrusted an essential part of the state authority to the great landholders, who also could maintain tenants — vassals — there arose a dualism, which the king could not again obviate, because he lacked the necessary power. On the other hand the permanency of the kingship was assured through this limitation. A Roman emperor could not be really bound by any kind of promises, for he had the mercenary army; the Frankish king was really under obligation to keep his promise, for the ones to whom he had made the promise constituted the essential part of the armed force. They did not need to put the ruler to death if they were dissatisfied with him, but they could clash with him and then become reconciled to him again. Legitimacy constituted the fundamental principle. The Franks recognized no other king than a Merovingian. They could not recognize any other, for the dynasty had founded that state, and it alone held the state together. Even when they revolted against the king and wished to be rid of him, they could give the king's crown only to one of the same house. They could

also become reconciled with the king and again recognize him, because there was no one to contest his right.

That is the difference between the Frankish kingship and the Roman emperorship. The emperorship came into existence through deeds of violence and was always extended through deeds of violence. The Germanic kingship is an hereditary one. Only three times in the whole Roman imperium, as I have already said, did a son succeed his father as ruler. The Merovingian dynasty maintained itself through two and a half centuries. An hereditary kingship which is so firm in its own right can put up with limitations. To the Roman imperium, based only on effective force, every limitation of its power is dangerous. The Frankish king could agree to a certain release of his authority without endangering his own official existence; thus there was formed an interchange of various forces, which continued in hundredfold form through the entire Middle Ages and all medieval states.

The representative of liberty in the Middle Ages is the defiant vassal, who promises and maintains fealty to his lord, but is always ready to take up its sword against him when he feels himself injured in his rights. The history of the Middle Ages moves in this antithesis, where one continually sought new adjustments between princely power and limitation by the nobles, and these endeavors are complicated through the conflict of church and state and again through the rivalry of the great empires among themselves.

The feudal system superceded by the standing army. Into the sixteenth and seventeenth centuries we have everywhere the dualistic class system of king and nobles. The new factor which now appeared was the re-introduction of the standing army. By the creation of standing armies during the sixteenth and seventeenth centuries there grew in the hands of the princes an instrument with which they were in a position at all times to make an end to the coöperation of the nobility in the government. The army was, therefore, the real object of strife in the conflicts with the nobles, to see who should have control of this army, which was no longer to be dispensed with. In England it ended with the

overthrow of the kingship. The king was sent to the block and the burden of the state authority was transferred to the existing nobility, the estates. Everywhere on the continent it ended with the removal of the nobility from participation in the government; and the erection of an absolute monarchy founded the standing army.

In about the year 1000 the dualism of the nobility was in existence, and time and again during this epoch it was demanded and conceded that the prince rule, aided by a council of his vassals and limited in one way or another. How far did he subject himself to the council? Who were the faithful? Who gave him counsel? There are an infinite number of forms. One thing is certain. Wherever the vassals convened or wherever the princes assembled to advise the emperor, one thing was unknown to them — the idea of the majority.

No majority system. Thus just as the representative idea was unknown to antiquity, the majority idea was unknown in the Middle Ages. This idea first came to life in the election of the pope. After the election of the pope by the cardinals had been achieved, under Pope Alexander III, the great opponent of the great Barbarossa, it was established that a two-thirds majority was necessary legally to elect him. It must be noted here that the simple majority idea had not yet appeared. The principle of the unanimous vote was always adhered to. Perhaps it would be better to say the principle of common consent, for no vote whatever was taken.

The notorious Polish *Liberum Veto* was originally common to all constitutions. When in the election of the German kings the right of election was limited to a small body of seven privileged electors (*Kurfuersten*) the principle was primarily that of common consent. So long as this prevailed, the right of election had no very great meaning. For if the electors were in accord, it was to be accepted that there would be no essential opposition among the other princes; if they were not in accord, then a civil war broke out and the troops of other princes counted as much as those of the electors. The majority principle in the election of the king was first introduced through the "Golden Bull" of

Charles IV. Thereby the real value of the electorial privilege of the electors was first created.

Origin of the present English Constitution. The dualism which ruled all Romanic-Germanic states came to an end, as we have seen, in the seventeenth century; in England in such a manner that the old monarchy, the legitimate monarchy of the Stuarts, was overthrown. But a sentiment had developed among the English people, so filled with the thought of the holiness of the supreme power, so filled with fear of the dangers in which the people would be involved if they tore themselves free from their traditions, that it was impossible to establish a republic or an elective monarchy after the banishment of the Stuarts.

There finally remained nothing else than to make a compromise between the real parliament party and the conservative party, which wished as much as possible to adhere to tradition. For the one party the nickname "Whigs" was coined, for the other "Tories."[1] The conservative idea rested especially on the church. The Tories were the Anglican, the Established Church party, which had to separate itself from King James II — entirely against its own wish and inner conviction — because King James wished to make the land Catholic again. Religious conviction rose in opposition and forced the Tories to coöperate with the Whigs to remove King James II.

It is very remarkable how the two parties sought for compromises from point to point in order to unite the principle of legitimacy with the revolutionary doctrine. It was asserted that King James — he could not be deposed, since he was king by divine right — had left the land and thereby had abdicated. Like fictions were worked with until finally the crown was entrusted not to someone or other who agreed exactly with the parliament, but to the nearest relative, who had at least an eventual hereditary right and was not Catholic — William III. Even today in English public law the prin-

[1] Regarding the Whigs and Tories and for the constitutional development of England in general, compare my investigations in my "Historical and Political Essays" (*Historischen und Politischen Aufsaetzen*).

ciple holds that the right of inheritance is limited by non-membership in the Catholic Church, because experience has taught in what enormous danger the land can be plunged through a union of king and Catholic Church.

In the place of the really legitimate kingship comes another which can no longer claim for itself the absolute right of legitimacy of the kingship by divine right. An agreement in the army question is thereby possible, for the army can be trusted to this new king. Why? Because he can not misuse it, because he can not strike his sword and say "God and my right!" and thereby throw aside the freedom of England. For he has only a limited right; his authority is not legitimate, not sustained by the conviction of millions that he is a God-given king, but he has succeeded to the throne through a certain injustice, and in order to maintain his ground, he can not call forth a conflict with the land. Just because he is not a legitimate king he is by far not so dangerous for the public freedom as the legitimate king could have been.

Thus the English have succeeded, in spite of two great revolutions and in spite of the banishment of the first royal house, in maintaining to a certain degree the historical continuity of their constitutional life. The new kingship caused England at first great inconveniences, because it came through William III into personal union[1] with Holland and later, since George I, with Hanover, which involved England in continental affairs more than it liked. But as they did not want to deviate farther from the birthright than was absolutely necessary, it was thus possible, in spite of the great breach, to carry a large part of the English public laws over to the present time, and the merely quasi-legitimate kings always assumed a considerable position during the entire eighteenth century.

Although what we call today parliamentarism — that is, the balance of power in the parliament — was first established with the banishment of James II, it took centuries before this new condition gained even theoretical recognition. Still when

[1] An union of independent states under one sovereign. — TRANSLATOR'S NOTE.

Montesquieu, who really had a clear perception of things political, wrote in 1748 about the English constitution, he knew nothing of majority government and even warned against it, because it would be tyranny if the majority should rule in parliament. In reality the parliamentary government was first carried into effect and the power of the king almost completely set aside during the nineteenth century, especially since the reformation of the election laws in 1832. Recently, too, the functions which the House of Lords earlier exercised have been largely taken from it.

France. How was it in France? There, on the contrary, absolutism conquered, as we have seen, and it conquered because, exactly as we have said of Chlodwig, it is the monarchy which represents the unity of the state. The kings, who were originally only dukes of Isle de France, had in the course of centuries won by inheritance, by marriage, by acquisition, by purchase, by conquest, all the other provinces and had thus gradually united France nationally. We have the same stronger measure. Prussia was united through the family politics of the Hohenzollerns, through their policy of acquisition and expansion. The dynasty created the state and for that reason conquered also in the battle with the nobles. The nobles continually sought to ward off danger from their own provinces, but were unable to comprehend the united-states idea. That is made clear in the case of Prussia at the first glance. But in France, too, this is in reality also true, and that is the reason for the victory of absolutism. Not that the French had less need of freedom and fought despotism less hotly than the English, for they defended themselves to the utmost against it; but they had finally to submit, because the kingship alone represented the national idea. When, moreover, the time came when they were no longer satisfied with this government by an absolute king and when the old limitations by the nobles — that old Germanic-Romanic idea of a dualism — was again called forth, the new constitution proved unserviceable. Louis XVI was taken prisoner, a republic declared, the king was sent to the block, and the connection with the past cut off. France has had twelve constitutions since then and the result has been

that France is organized as a republic according to purely democratic principles.

In England we have certain, even if very inconsiderable, remnants of dualism, as we have become acquainted with it, especially as to form. Whoever looks at the real power finds that in England and in France it rests in an assembly, which is chosen, even if not by everybody yet by a large part of the people.

In England, as in France, revolutions have not been by the people but against the people. Neither in England nor in France, however, was it the masses, the majority of the people, who brought about the revolution. The English would not have had the strength through their own initiative to banish King James II, the Stuart (he had already drawn up a large army), but William III with the veteran Dutch army came to their assistance. And why should he and why ought he help the English? Because all Europe needed England in the fight against Louis XIV, because Europe without England would not have been able to protect freedom against France and because the Stuarts were the hirelings of Louis XIV. So it was a universal European movement, which helped peers and commoners in England to victory. The Great Elector also took part by sending his soldiers to Holland.

In England, however, the new government of the people was by no means secure. When the Parliament, in which both parties had united to banish King James, had drawn up all the new constitutional provisions and had elected William III, it did not yet venture to have a new Parliament chosen, because it feared that public opinion would immediately change and would demand the real king back again, no matter what he had been guilty of. Thus the revolution was brought on by leading classes against the masses.

And it was exactly the same in France. The French revolution, too, was not brought about by the great French masses. They probably wished reforms and limitations, but not the overthrow of the king. And the assembly, which had dismissed the king, was chosen again in connection with the foreign policy, — because France had fallen into conflict with

Europe. It is not true that the European powers were marched out to throttle the new freedom of France. France was diplomatically threatened, nothing more, and the real war was begun by France. But however this war arose, the French people had the feeling that the heart of their king was in the camp of the enemy. No people will endure that. The essence of kingship rests upon the fact that it feels itself absolutely one with its people. If that were not so a people could never have faith in its dynasty.

We have seen that most dynasties are the creators of the states; the future and the fame of the royal family is always associated with the successful conduct of the state affairs. Things had gone so far in France that Louis XVI hoped, when the Prussians approached, that they would come to Paris to free him from the coöperation of the people in the government. That was a moral impossibility, and the army, that part of the people which in foreign conflicts must be imbued the strongest with the ideals, the power and the safety of their fatherland, deserted Louis XVI, and placed itself in the service of the assembly. Louis XVI was thereby overthrown.

After the foreign enemy was repulsed a strong reaction set in in France. Almost the entire land was against the assembly; they did not want a republic. Not merely the Vendée, but at least sixty to seventy of the eighty-three provinces rose in revolt against the assembly, and they were overcome by the *guillotine,* behind which stood the troops. Thus the assembly always maintained itself against the people (from 1792 to 1799 there were incessant revolutions), and its victories were always decided by the army. The assembly did not dare itself to dissolve and to leave the decision of the government to the people; then entirely different members would have been chosen. At last the army said to itself: "If we are here merely to restore order for others, then we ourselves can govern." They made their favorite, General Bonaparte, head of the state, and he was received with enthusiasm by the people, who considered themselves fortunate to be freed from the assembly which they themselves had once elected.

Differences among the modern states. In England grad-

ually, in France suddenly and radically, the breach with the past was effected and a purely parliamentary majority government introduced. We will not follow this through all states. In each a somewhat different tone prevails. But whether it be in Denmark, or in Norway, or in Holland, or in Belgium, or Italy, or Spain, or Portugal, or in America — everywhere a uniform governmental power was more or less completely created and dualism overcome. Even in Italy, where the kingship occupied an important position, it was not able to assert itself against parliamentarism. In Austria-Hungary, however, in Russia, in Sweden, and in Germany it is different. The conditions in Austria-Hungary are too complicated to be treated here; Russia can by no means be regarded as a constitutional state.

Germany constitutes the real normal reverse to the parliamentary states. Here it was possible to renew on a dualistic basis the old Germanic-Romanic type of government. In Prussia the three-class franchise [1] and the Herrenhaus [2] form a mediation between the old feudal estates and the modern representation of the people. In the empire,[3] however, the combination of the monarchical and the democratic idea has been effected. This popular constitution was not created against the government, not to wrest from it as much power as possible, but it was created to help it, in return for which the people were to share in the government.

Will Germany become parliamentary? We can add the question: Have we to expect that we in Germany will gradually go over to a form of constitution which is similar to the parliamentary form, or is the condition of things so that we can expect the opposite, that the new political form, complicated by the federalistic character of the German Empire, will enduringly assert itself in history?

Is there a kind of natural continual development from the constitutional to the parliamentary system? This assertion is made not seldom today by two sides, first, by the extreme Left,[4] which hopes for this, and second, by the extreme Right,[5]

[1] See "Dreiklassenwahlrecht" in Glossary.
[2] See "Herrenhaus" in Glossary.
[3] German Empire.
[4] Socialists.
[5] Conservatives.

which reproaches the government for not opposing this tendency sufficiently.

In order to have a parliamentary government the supposition is that the parties, in spite of their differences, are quite closely related. In America this is true of the Democratic and the Republican parties. As the two names show, there is no essential difference between them. The one is more unionistic, the other more federalistic. In England we have the Whigs and the Tories, now called the Liberals and the Conservatives. The differences are so slight that very frequently one party has adopted a plank from the other party platform. Both parties together once banished the Stuart kings and the election reform of 1867 was made by the Conservatives.[1] Such parties can easily alternate in the administration of the state without throwing it out of equilibrium.

It is not possible, however, to have parties alternate which are so diametrically opposed to one another that the one is monarchical and the other republican. If France were again to have a monarchically disposed majority which should reintroduce a kingdom, and then after a succession of years a republican majority should come and introduce a republic again, and so on in changing alternations, the state would be ruined.

If we apply the same to Germany, what would become of Germany, if we had alternately a clerical and a social-democratic administration? The clerical administration would above all seek to bring the school system, from common schools to university, under church control, and if, when it had happily attained this and had trained the teaching staff in the orthodox opinion, a social democratic majority would introduce the future state, what then? We at least know approximately what the first majority would bring us, but what the second would bring us, we don't even know. Only one thing is absolutely clear; an alternation between these two "ideals" is absolutely impossible.

[1] That the two political parties of England are inwardly closely related to one another in spite of their constant mutual opposition, is emphasized by many recent observers, especially by Belloc and Lowell.

In France there is always a quite considerable monarchical minority. Once the monarchical party had really the majority in the republic; that was in the first years after 1871. It could not attain its goal, because it was divided within itself, because it had three kings to elect from. The first was the legitimate heir of the old Bourbons, Count Chambord, the second the Prince of Orleans, Count of Paris, and the third the Bonapartes, who after the defeat at Sedan were out of the running. But the other two were serious candidates. Count Chambord was nearly chosen king; only he would not accept the conditions which were imposed upon him.

Since then the Monarchists in France, being unable to establish a monarchy, have been merely an opposition party. But what is the result? They are constantly in a situation to overthrow every government [1] as soon as it is not supported by a very great part of the Republicans. It has even been required that the government must have the support of not merely the majority of the Chamber of Deputies, but also of the majority of the Republicans. Sometimes this principle is maintained, sometimes not. For example, the law for the re-introduction of the three years' military service has just been accepted only with the help of the Monarchists and in opposition to a very essential part of the "Left." [2] Whether under these circumstances so great a law can be carried out remains to be proven. At any rate the two-party system, as it prevails in America and England, is excluded in France by the fact that a very large number of the people do not want a republic at all and at heart do not recognize it. The result is a complete lack of stability in the government. If all others formed one party in opposition to the Monarchists, this party would necessarily be continually in power. That would be intolerable. Party government is people's government only when the parties alternate. If one party always remained in control, a despotism would result. Thus the result of the elimination of the Monarchists in the organization of the French government is that the other

[1] Government in the English sense. — TRANSLATOR'S NOTE.

[2] See "Political parties" in Glossary.

parties do not hold together, but are continually forming themselves into new groups.

The multiplicity of parties in France and in Germany. There are about nine different parties in the French House of Deputies, the Royalists, the Right, the Conservatives, the Republicans, the Democratic Republicans, the Republicans with socialistic tendencies, the real Socialists, and the intransigent [1] Socialists. From these new groups are continually formed and new majorities composed.

In Germany there is the same multiplicity of parties as in France. In the first Reichstag (1867) there were eight factions: Conservatives, Free Conservatives, Old Liberals, Federal Constitutionalists (in this faction were united among others Windhorst, Haenel, the leader of the Radicals, and Guenther, a Saxon, who afterwards was my colleague in the Reichspartei), then the National Liberals, then the Radicals (*Freisinnige*), then the real Left, then the Poles.

Whoever has followed carefully the list, which I have just read, will have noticed that at that time two parties were still lacking, which we can scarcely imagine were not in the Reichstag, namely, the Center and the Social Democrats. These two parties were not formed until later. Social Democracy was at that time still too weak to constitute a faction, and the Center Party was not formed until 1871. Each of these parties has had a strong influence in the transformation of the other.

It is very improbable that a party will be formed in the Reichstag which will have the majority in itself. It is even improbable that a combination can be formed for any length of time which has the majority. That comes from the religious denominational divisions of the German people. This splitting of the parties is not arbitrary, nor peculiar to the character of the German people, but a necessary product of our history.

So far into the future as we can see there must necessarily exist at least five groups: Conservatives, Liberals, Center, Socialists, and Poles. If there happens to be formed a Moderate

[1] Intransigent: Uncompromising, insurgent, unconditional; a party which refuses to negotiate. — Translator's Note.

Conservative, a Moderate Liberal, and perhaps also a Moderate Socialist group, we would then have eight. Whether the Center belongs more to the Right or more to the Left remains to be proved. At bottom it is a democratic party, but the strong principle of authority of the Catholic Church and the adherence to the traditional forms of belief bind it to the Conservatives. All of our newspapers were full of the natural coalition of the Center with the Conservatives, the blue-black bloc,[1] but we have seen that they have turned against one another in the Reichstag in the fundamentally important introduction of the increased-property tax law. The much quoted "blue-black bloc" is a fiction, was never anything more than a temporary combination.

Masses and might. The multiplicity of factions, none of which has the majority, excludes a real battle against the monarchical government to replace it by that of the parties. We have thereby by no means yet exhausted the essence of the question, why the parties do not rule in Germany. Why do the party organizations rule in England, France, and the other parliamentary states? They rule because they have certain masses behind them. Why do the masses rule? Because they are wise? We have already raised this question.

There are experienced people who say that the great masses will always be for the wrong thing. We will not exactly accept that. Only a few will believe today that great wisdom is always where the great multitude is. The masses rule not because they are wise, but because they have the power.

Mass government and woman suffrage. The late philosopher Gompertz, from Vienna, had deduced from this a conclusion unfavorable to woman suffrage. If one sees in the parliament a representation of the people, woman suffrage is consequently to be granted, for the women certainly belong just as much to the people as the men. If one recognizes, however, that this law of the majority means nothing more than that in a peaceful way the greater force shall continually rule, woman suffrage is to be rejected, at least for Germany. For in Germany, although more boys than girls are born,

[1] Coalition of the "blues" or conservatives and the "blacks" or Catholic Centrists.

there are over 800,000 more women than men; thus with the introduction of woman suffrage the legitimate leadership would go over from the men to the women. Are the women, through their majority, stronger than the men? Hardly. If it came to a struggle between the male and the female parties, the modern Amazons would presumably in the end succumb just as did those of antiquity.

As soon as the women vote, the large ballot is no longer the greater force. With the introduction of woman suffrage the majority principle would have lost its inner meaning and thereby its justification. Form and contents of the state would fall in diametrical opposition to one another. That must lead to convulsions, to revolutions; whoever will avoid them seeks to keep the women away from the battlefield of politics.

Money. Whatever the case may be in this argument, the problem is thereby by no means exhausted. For before all, and we must now come to that, there are still other forces than the masses. There are, for example, the various churches, and there is money, or modernly expressed, accumulated money, capital. Capital originally strove against the government of the masses as the latter gradually gained ground, but finally became reconciled to it for a very simple reason, because money can nowhere better apply its own force than in its influence on the masses.

Many have stated that America is in reality not a democracy but a plutocracy. The elections are carried on with money, at any rate money plays a great rôle. Not merely direct bribery is meant, but without money the entire election organization, without which, as we have seen, no real election by the masses can be brought about, is impossible; and the more money it has at its disposal the more efficient is the organization.[1] Who can raise and apply the most money has at any rate a very important voice in the formation of the majority, and money needs to do no more.

The church. For similar reasons the churches, too, espe-

[1] Recently it was announced that the supplementary election in one electoral district (Kreis) Ragnit-Pillkallen had cost the National Liberal party 140,000 marks. This is one district of the 397.

cially the Roman Catholic Church with its enormous influence on the masses, have become reconciled to rulership by the majority and by the masses.

The army. But there are still other forces than the masses and the churches, and before all one which in the end always decides the issue. Where does the real power ultimately lie? It lies in arms. The decisive question for the inner character of the state is, therefore, always: To whom does the army belong? In France and England it belongs today to the parliamentary majority. In England it so happened that the legitimate king (we must repeatedly remind ourselves of this), James II, Stuart, was deposed and in his place an illegitimate king, first William III, then Anne, then the House of Hanover, was called to the throne. The English army, small as it was, had no close connection with these sovereigns, and the English constitutional laws, which were then made, saw to it that this was expressed in a constitutional form. That happened in the so-called "mutiny bill," i.e., the law which established the discipline of the army. No army exists without disciplinary authority. If the common soldier should take it upon himself to box his captain's ears, and the latter had to go to the assessor's court and enter a complaint against him, we would then say that the army had ceased to exist. The army as such can exist only by virtue of a particular organized discipline, incorporated in the authority of the commander.

The army in England. They made a mutiny law in England that created this real authority. But this law was valid for only one year and had to be renewed each year. Parliamentism believed that it had thereby created for itself the power to wrest control from the King every year by refusing to prolong the bill, if the King seemed to become dangerous to it. Constitutional lawyers may deduce from this that that is the way to render the King powerless when he threatens to become despotic. Such a law is, however, only a judicial form. An army which is once disciplined remains in the hands of the officer body, whether Parliament makes mutiny bills or not.

If, then, the king has the officer body back of him, he

also has the army back of him, mutiny bills or no. But in England there is no real king. It is now only a quasi-legitimate kingship, which was created through the revolution and to which a close connection to the army is lacking. Thus such a mutiny bill, even if it does not mean so much in itself, still represents the process through which the army came under the sway of Parliament.

The army in France. In France also the army today obeys the majority of the House of Deputies. But with gnashing of teeth. A popular orator, a socialist, a journalist, a stock broker, a lawyer have been in turn Minister of War in France and have determined who should be advanced from colonel to general, who should be put on the retired list and when. How can an army, which has the tradition of the great Napoleon with all its victories, with all its fame, subjugate itself to such a government? Because it is the conquered of Sedan. Because of that it must now obey the lawyer government in France. But let it once again conquer and it is all over with the parliamentary government in France. The general who could march into Berlin and come back from Berlin to Paris, would no longer obey a Minister of War, who is put into office today by this parliamentary majority, tomorrow by that. But because the army was no longer in condition to maintain its former fame, it had to withdraw from the government.

The government of Napoleon III was indeed a government of the people, for the French people had decided in a popular election and with an enormous majority first to make him President, then Emperor. But it was at the same time a military government. If the people had not so voted, Napoleon III would have probably made himself Emperor, simply because he had the army behind him, because the army did not yet conclusively believe and did not need to conclusively believe in its defeat of 1813 and 1815, because there was yet in it such a power that it could hope, if again a man who was entirely one in spirit with it should stand at the head of France to rule with him, to occupy the position of honor and the rank which was due it. Indeed it happened exactly so. The army won victories, if not mag-

nificent yet honorable victories, first in the Crimean War, then in the Italian War in 1859, before it finally collapsed in 1870.

The army in Germany. Let us now apply this situation to Prussian Germany. Imagine a parliamentary government and then take anyone you please out of the Abgeordneten-Haus or the Reichstag and let him be our Minister of War. Anyone who has the slightest understanding of our officer corps and our generals knows that this is impossible, that our army must also first suffer a Sedan from the other side to submit to any such thing.

Who is the army? The army is composed of three parts: of the professional soldiers, who devote their entire lives to the service, the officers; of two yearly contingents out of all the people, the privates; and of the corps of non-commissioned officers, who occupy a middle position between the two. The esprit de corps of the army is not determined by the transitory, but by the permanent elements, the corps of officers which trains the men in their spirit and governs them according to the disciplinary laws.

Let us observe the corps of officers as it has existed here for centuries, and was active formerly in all other Romanic-Germanic countries. Standing armies were formed in our country in the seventeenth century; in Brandenburg-Prussia by the Great Elector, who had inherited a series of scattered provinces, from Prussia to the Rhine, and who now welded a state by means of a uniformly organized bureaucracy and army. Men and officers alike served under his son, Frederick William I, and under Frederick the Great, not as their sovereign but as their commander in chief. It did not matter whether he be Prussian or Brandenburger or Pomeranian, or from some other province, he did not even have to be a German, but entered the service of some great commander, in this case the Brandenburg-Prussian leader, and swore allegiance to him, not to the State.

The soldier of the seventeenth or eighteenth century had only an indirect relation to the State, because his commander in chief happened also to be the ruler of this or that province. But the army serves him to whom it has sworn allegiance,

and his political aims, whatever they may be, do not in the least concern the army.

The Germanic retinue and corps of officers. We will understand this personal military allegiance better if we trace it still further through the centuries of German history. We can go back to ancient times, in which Caesar and Tacitus describe to us the German prince surrounded by a retinue of particularly brave warriors, who accompany him into the battle and among whom the fast rule holds that it is the greatest disgrace to return from the battle if the prince has fallen. The followers fight for their prince, the prince for victory. This characteristic military allegiance, which, by the way, we find not only among the Germans but also among other people, for example the Japanese, but not among the Romans and Greeks, or at least not in this form. This allegiance became the starting point of the medieval state.

This retinue or body of retainers, which has pledged personal and inviolable allegiance to the prince (*in pace deus, in bello præsidium*), and which regards fidelity as its ultimate and highest law, propagated its spirit. In the Middle Ages this relationship becomes the vassalage of the knights to their liege lord, and with the same conception. This is continued today in our corps of officers. The King is still the head of his retinue, he is the comrade of his officers, and they hold to him as their chief, and that is the basis of our existence as a state. In the Prussian Constitution there is only the clause: "The King shall have the chief command over the army," and the Imperial Constitution reads likewise. I omit here the complication introduced by the quality of Germany as a confederacy of states. In how far has the Emperor, since 1867, become the military leader of the smaller contingents also? I have published an article on the subject in the *Preussische Jahrbücher* (May, 1913); whoever wishes further information on this subject can find it there.

Let us make clear to ourselves, at once, that a relation exists, which although not formulated in any way in any paragraph of the constitution, is yet the strongest power which we have in the German Empire, inviolable from within, and only to be disrupted from without by the most terrible

of all defeats. Indeed, it has endured a most terrible defeat. The King of Prussia, when he was vanquished at Jena and Auerstädt in 1806, could flee to the farthest city of his empire — to Memel; he still remained King of Prussia and commander in chief. His people honored in him the hereditary king; even the small part of his army which still remained held to him, and from it the new army was formed, through the genius of Scharnhorst and Gneisenau, by the assignment of the whole body of young recruits to the corps of officers for military training.

Sedan. Let us compare what direct effects it can have on strategy whether or not such an allegiance between prince and people exists. In 1870, when the French were defeated in the great battles near Metz, and Bazaine's army was thrown into Metz, Napoleon and Marshal MacMahon recognized that the best thing to do was to return to Paris with the other intact half of the army. If the army had returned to Paris, it is not clear how we could have conquered France, at any rate as completely as proved to be the case. It turned out differently, because of the Empress and the Government in Paris, who begged and implored them not to come there; for if the Emperor was forced to retreat so far, the revolution would be certain and the Empire lost in consequence.

For reasons of domestic policy the army went north, in the hope of being able from there to go to the assistance of Bazaine in Metz. Instead of that it was defeated by the German army and taken prisoner to the last man. If this army captured at Sedan had remained to defend Paris, we should never have been able to surround the city. The cause of the complete defeat of the French was, therefore, that Napoleon III had no dependable relations with his people, just as Napoleon I was overthrown by the fact that the moment the allies entered Paris his marshals deserted him. Neither the Austrians nor the Prussians nor the Russians deserted their ruler when the enemy took their capital.

This relation between the people and their hereditary ruler has its highest potency in the relation of the corps of officers to the sovereign in his capacity as military leader. We have

actually had a case in our history in which this relation was to have been entirely loosened.

The Prussian army, 1848. In the year 1848 the parliament, which was endeavoring in Frankfort to draw up a new constitution, decided that all contingents of the federation should owe allegiance to the administrator of the empire. The administrator was the Archduke Johann of Austria; therefore the Prussian army was to swear allegiance to the Archduke. What an astonishing misunderstanding of the Prussian spirit! The commander in Königsberg was Count Dohna, son-in-law of Scharnhorst; the commander in Stettin was General von Wrangel, who at twenty-three, in the year 1814, had led a regiment of cuirassiers. On the unhappy day of Vauchamps Etages (February 14), when he seemed to be completely cut off, and the French parliamentary who demanded the surrender took it upon himself to speak directly to the troops, Wrangel cried to his troop sergeant: "Shoot him!" called his regiment together, and broke through.

The commander in Münster was Count Gröben, who in 1812, when the Prussians had to march with the French against the Russians, was one of those who called to Gneisenau in parting that he should assume the leadership of the patriots so that "Hermann" might live in his grandsons. The commander in Breslau was Count Brandenburg who, on New Year's Eve, 1814, was the first to cross the Rhine.

And these were the people who were to swear allegiance to the Austrian Archduke chosen as administrator by Parliament! What sort of an understanding of the spirit of the Prussian army, in which were still living the victors of 1813, was that? And even though the wearers of the Iron Cross of 1870 are now gradually dying out, their spirit still survives. It is totally impossible for such an army to sever itself from its past and repudiate it. Against this cliff the waves beat in vain. Neither will the Prussian army let itself be torn away from its King, nor the King from his army.

How very much mistaken are those teachers of political law who think that the life of the state is to be read from the paragraphs of the Constitution! Just as the active forces of parliament are to be found in the parties, about which

there is not a word in the Constitution, so also the essence of royalty rests not in the functions assigned to it by the Constitution, but in forces which, far beyond all formal legal maxims, are rooted in the centuries — in its relations to the army.

Officialdom. By the side of the corps of officers stands officialdom. It is perhaps not as direct an instrument of power as the army, but still an instrument for the execution of power. The official body, which obeys the King just as does the army, which spreads its organism over the whole people, places in the last analysis every political decision in the hands of royalty. How doctrinary one must be to close one's eyes to that!

Parliament. Can the power that the masses wield be considered in comparison? Indeed here also is power not to be undervalued. But this power, which finds expression in parliament, is not homogeneous. From its very nature, as we have seen, it is divided. At present we have in the German Reichstag no less than seven factions, each of which regards the political aim from a different point of view, and each one of which is at liberty to consider whether it can not better attain its aim by forming a coalition with the government and by winning its friendship through advances and compromises rather than by attempting to take the steering wheel into its own hands.

If we consider all of this, it will be seen that there can be no question of an evolution into a parliamentary government here, either in a pessimistic or optimistic sense. On the contrary, as far as human eyes can foresee, we will retain in Germany a dualistic system of government, for which we have found the great world historic example in Rome. It is not at all necessary that finally one party work its way out of the eternal shift as victor, but it may happen that after many centuries of constant struggle some sort of an understanding will be reached, a harmony in which sometimes one, sometimes the other power will stand more in the foreground, but in which the final decision as to who shall rule will never be reached.

There is therefore no theoretical limit to how far the par-

liamentary influence may go, or vice versa; that is always a practical question in each individual case. From the beginning of the Reichstag there have always been struggles, and the wish to obtain as much power as possible for one side or the other, and always the conclusion has been reached that it is better to agree than to quarrel.

Bismarck and Parliament. It is also incorrect to think that the present government gives way to the Reichstag more than Bismarck did in his time. Bismarck was obliged to recognize and did fully recognize the enormous power of the Reichstag. Parliaments always have in their hands that great instrument, money appropriations, and on this point Bismarck had to make the greatest concessions.

When we introduced the protective tariff it brought in so much money for the Empire that it would have been financially independent for a long time. For economic, not financial, reasons, the majority of the Reichstag favored it. But in order that the government should not become independent, the Frankenstein clause was invented, which provided that the income over a certain sum should not be allowed to remain in the imperial exchequer, but must be divided among the federal states, so that the Reichstag might always appropriate it anew. And later, when the protective tariff was raised and still more money came in, the fear was even greater that the government might become too independent, and it was decided to make a law in Prussia (*Lex Huene*) that the Prussian government should not be allowed to retain the income which was its due, but must divide it among the districts (*Kreise*). For this purpose the census figures and the number of square miles were multiplied in a truly grotesque manner, and on the basis of this constant or key the income was annually divided.

Many of the districts did not need the money at all and used it to build imposing residences for their administrative heads. But the aim — to obtain control of the appropriations for the factions of the Reichstag — was attained, and Bismarck was obliged to submit to it. The Empire was artificially plunged into a money famine so that the Reichstag could hold the string to the money bag and make a new

appropriation each time. Naturally the ingenious inventor of this system was the leader of the Center Party (*das Zentrum*), Windthorst.

Furthermore, as little money as possible was appropriated. Tax bills, like the tobacco monopoly, the brandy monopoly, etc., were declined again and again by parliament. The change since then, about which the people now complain, is that the Reichstag itself thinks up new taxes. Without doubt it has made serious mistakes in doing so (tax on railroad tickets, land accession tax), but as a matter of principle it is an advance for the Empire that the Reichstag, instead of merely refusing taxes, substitutes others for those it does not wish to accept.

Present financial policy of the Reichstag. And now come the wailers and shed streams of tears over the fact that parliamentarism has come, because the Reichstag forces taxes upon the Federal Council.[1] From the point of view of the Empire, of the economic future and soundness of finances, I am perfectly willing that the Reichstag should prescribe the taxes, if those proposed by the government[2] are not satisfactory to it. Indeed I am firmly convinced that in a practical way the Reichstag has improved the tax bills very essentially in the last year. I acknowledge all the more gladly that its power is thoroughly justifiable, and nothing could be more unjust than to accuse the Reichstag of striving for power and aiming at a parliamentary government when it has granted to the government the mighty increase in the army and the great burden of taxation consequent upon it, which will in many cases weigh very heavily upon the individual. The events of the last weeks[3] can only prove to us anew how sound and strong is the working of the dualistic system with us.

Our consideration whether it is to be assumed that Germany will in time change to a parliamentary system leads

[1] See "Bundesrat" in Glossary.

[2] German sense; see "Government" in Glossary.

[3] Early summer, 1913. A capital levy of 1% to raise a billion gold marks for military preparation following the Agadir incident and the increase of French military service from two to three years.

us to the other question as to the special advantages or disadvantages of the one or the other system of government. The question is not identical with the first, whether it is to be assumed that we will go over from one system to the other. It might be a change for the worse or for the better.

Weaknesses of the dualistic system. Let us begin by considering certain weaknesses of our German system. The first is that the parties, inasmuch as they only control the government, but do not themselves direct it, may easily lose the complete feeling of responsibility. In consequence, Germany has to this day a very bad financial policy. In forty years of peace we have succeeded in incurring debts amounting to 5000 million marks, because the Reichstag, out of consideration for the beloved voters, who pay unwillingly, could not make up its mind to authorize the necessary taxes at the right moment. In the year 1909 the economist, Professor Schanz, of Würzburg, calculated that if only 70 million marks had been appropriated in 1877 (perhaps the beer tax which now exists), the Empire would now be out of debt. As it is, we have to raise 200 millions more on interest and amortization than would otherwise have been necessary.

In this respect marked improvement can now be reported. This year the Reichstag has at last decided to include the phrase, "no expenditures without the funds to cover them,"[1] and has thereby accomplished something which none of its predecessors succeeded in doing — this very Reichstag with 110 Social Democrats! How all the patriots turned pale when the result of this vote was made known in February, 1912! I venture to remark that I did not let myself be fooled. Whoever wishes may read what I wrote at that time in the *Preussische Jahrbücher:* that the new parliament was more auspiciously constituted than any we had ever had before, and than was ever granted to Bismarck. This optimistic view is confirmed today by the results. The parties have all assumed more or less the attitude of weighing impersonally the bills submitted by the government and of basing their final decision not entirely upon party or factionary interest, but also upon due consideration of the welfare of

[1] *Keine Ausgaben ohne Deckung.*

the nation. Nevertheless the danger remains that the feeling of responsibility of the delegates of the Empire may be too weak. For we do not know whether the present attitude will continue, whether the Reichstag may not fall back into its old direction. The Reichstag is dependent upon the voters, is called upon to criticize the government, but not to direct it, and that weakens the sense of duty toward the nation.

Closely connected with this is the second disadvantage of our system of government, namely, the permanently irritated popular opinion due to the fact that no one is completely satisfied, that compromises have constantly to be made which leave a certain dissatisfaction on both sides.

In the eighteenth century an English statesman appointed to a foreign post, who visited his home from time to time, wrote that when he came home and opened his eyes and closed his ears his country seemed to be at the height of prosperity, but when he closed his eyes and opened his ears he heard that England was the most miserable land in the world. For several years back one might have spoken similarly in Germany. The naïve comfort themselves with the thought that it has been that way only since Bismarck retired from office, that in Bismarck's time everybody was contented, but that since then a constantly increasing feeling of dissatisfaction has prevailed.

So much is true: that Bismarck's followers were satisfied, or at least did not express their dissatisfaction audibly, but the Social Democrats, Clericals, and Radicals (*Freisinnige*), who were in the sharpest opposition, were so much the more dissatisfied that the matter was equalized to a large extent. Clericals (Center) and Radicals have entered into a well-defined relationship with the government, and even the Social Democrats have been so amenable to influence, that in consequence a strong opposition has sprung up in their own ranks. But in the same measure in which these parties have been appeased, and even they are not completely satisfied, the dissatisfaction has grown among the others. There is grumbling on every side, and especially from the "Left" there are daily accusations and complaints that Germany is an unprogressive state under police and class rule.

Democracy in the German Empire. Let us compare the German Empire with other countries. Germany was the first of all the European powers to introduce the universal, equal, manhood suffrage and the secret ballot, and connected with it, freedom of assembly and organization. France has had the ballot since 1851, but without the freedom of assembly and organization, which was introduced only in 1871, after the fall of Napoleon III. England, Italy, Belgium, Holland have not universal equal suffrage even now.

Germany has the most comprehensive, and in most branches the earliest organized social policy, ensuring to the lower classes a social provision which other countries are endeavoring to some extent to imitate. As far back as one can think Germany has had compulsory education, general public schools, and for many years free instruction. Germany has also a system of higher schools which enables talented sons of people of small means to reach the most advanced educational level.[1]

Germany has the most democratic of all institutions, more democratic than universal suffrage — compulsory military service for all alike, which lays upon the higher classes, although they have some means of partial relief,[2] much heavier

[1] Contrary to many statements in American periodicals (Samuel P. Orth, *The Solid Million in Germany,* World's Work, June, 1912), there is nothing to hinder a young man studying at a German university on the grounds of either politics or religion. The statement that a socialist's son can not attend a university is not correct. The only thing necessary is good conduct and the necessary school preparation, graduation from a nine-class gymnasium (about equal to sophomore year of an American college). Fees are only 5 marks for each week-hour for the semester, *i.e.,* four lectures a week for a semester would cost 20 marks ($5). At Columbia University this would cost $40. There are elaborate provisions made for waiving even these small fees in the case of worthy students. It may be possible that many student corps or fraternities do not elect socialists to membership, but this may be due to the man's personality or purse and not to his political faith. — TRANSLATOR'S NOTE.

[2] Any youth who passes the one-year examination (*Einjährige Examen*), usually at the age of 17 or 18, or equivalent to a first-class American high school, and volunteers without waiting for conscription need only serve one year. Moreover, he is in line for a commission as an officer of reserves, if he serves six weeks as sergeant or lieutenant during the big autumn maneuvers for five additional years. These one-year men

burdens, in economic and other respects, than upon the great masses.

This is the country that the Radical Left calls a reactionary class state! Indeed, the Social Democrats sometimes discover good in us after all; namely, the social welfare policy, which they in their time opposed most bitterly, now meets with a certain recognition. If one accuses them of having been a large party for thirty years and of having accomplished nothing, they claim in defence to have indirectly caused this social welfare policy, to have been in fact the intellectual founders of it. However that may be, they have, at any rate, acknowledged thereby that this country has accomplished an unusual amount, even for the demand of the most extreme democratic party. Nevertheless the Social Democratic Party is intransigent, in the sense that the government cannot agree with it about anything practical, or only in exceptional cases. Many imagine that it is the party representing the distant ideal future which we are approaching step by step. Whoever wishes to ridicule it can prove exactly the contrary. Of all our parties it is the most reactionary. Our feudal conservatives, our clericals, have an indefinite, hazy ideal taken from the Middle Ages. The ideal of Social Democracy lies much further back; it existed in archaic times.

Let us compare the demands set forth in the Erfurt program [1] with ancient Germanic conditions. "Socialization of the means of production" — the means of production were then land; it belonged to the people; private land did not exist. "Direct law making by the people" — there was no other law making. "Judgment by the people" — likewise. "Election of the administration of government by the people" — the princes were chosen by the people. "General popular army" — every Teuton was a warrior. "Decision

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trained as reserve officers and sergeants have been of great value. The one-year service lays a considerable financial burden on the young man's family because of noblesse oblige, or keeping up to the social station involved especially in the smarter cavalry or artillery regiments. — TRANSLATOR'S NOTE.

[1] See "Social Democratic Party" in Glossary.

concerning war and peace by the people." If we add finally that there was no standing army and that there were no taxes, we have a social democratic ideal state beside which the Erfurt program pales. We need no longer to search and ask for the state of the future — we can find it in history. Whether we will introduce it again is another question, a question which I shall leave to the individual and to the future.

In practice, however, there arises at this point the difficulty in the smooth working of the dualistic system of government. If all parties are ready to discuss every demand as it arises, as is at present to a large extent the case, then it is not at all difficult to get a majority together in one way or another. But when there is a large completely intransigent party it may become difficult. This can now apply only to the Social Democrats.

Bismarck had an even more difficult task. There still existed the so-called German Radical Party (*Deutsch Freisinnige Partei*), under the leadership of Representative Eugen Richter, with which it was next to impossible to treat (Bismarck made several attempts which were rejected), and the Center, whose support could be gained only at a very high price. It is exceedingly difficult for parties which once took a position of radical opposition to assume a definitely conciliatory attitude.

Caprivi and the Radicals. Here again I can weave in a recollection from my own parliamentary life. The German Radical Party (*Deutsch Freisinnige Partei*) had been formed in 1884, about 100 members strong, by the joining of the old Progressive Party with an offshoot from the National Liberals, among them many eminent people. Bismarck had resigned. Caprivi strove for a better understanding with the Left. The Russians had begun as early as the eighties to take the threatening position toward us that they still maintain today.[1] A large addition to the army was necessary, and in the year 1892 Caprivi offered the opposition (Left) the concession for which they had fought in vain for thirty years, the two-year military service.

[1] This was said in 1913. — TRANSLATOR'S NOTE.

Emperor Wilhelm the Elder considered it strictly impossible to maintain the army at the high level of efficiency without a three-year service; the conflict on the subject with the Prussian House of Representatives (*Abgeordnetenhaus*) had broken out in 1861. Now Caprivi offered this concession of a two-year service, of course in exchange for a compensation, i.e., a considerable extension of the military levy, which was far behind what could really be accomplished (even today we are still in the position that not nearly all the men are enlisted who are really fit). The shortening of the time of service was therefore no saving, but cost something, and on this account the Radical People's Party (*Freisinnige Volkspartei*) opposed this suggestion.

I was inspired even then by the ideal which Prince Bülow since realized for a moment by means of the so-called Bloc, the coalition of the Conservatives and the Liberals. I had some relations with eminent Radicals and went to Virchow and Hänel, who with Richter were the most prominent leaders of the old Progressive Party (now a part of the Radicals). Of the former National Liberals it was to be expected that they would be inclined in any case to agree with Caprivi. Therefore I went to Hänel and Virchow and showed them that the whole future of liberalism was now at stake, if they did not accept this offer of the government, and after some discussion I brought them so far as to consent (Hänel agreed at once, Virchow with some hesitation). I visited Caprivi at ten in the evening: "I have Virchow for you." Answer: "It is too late; Parliament dissolves tomorrow." But it did not dissolve the next day, after all, and affairs remained in suspense for a moment. The leader of the Conservatives, Hammerstein, editor of the *Kreuz Zeitung,* forced an immediate vote, because he did not wish the government to come to an agreement with the Liberals, and thereby cut short further negotiations.

Thus the understanding was not perfected. The *Deutsch Freisinnige* for the most part voted against the bill. Parliament was dissolved. The party divided into two parts, was completely defeated, and since then has led even to the present day a more or less checkered career.

Some years later an intimate of Eugen Richter, the delegate Hermes, approached me and said: "I heard of your attempt at mediation at that time and said to Richter, 'Shall we not agree to it?' Richter answered: 'Then we should no longer be a people's party.'" How absolutely characteristic this remark is! This party leader refused as a matter of principle to follow a policy. He wished to remain in the opposition, because to be in opposition is popular. Whoever takes a definite stand, especially if he demands of the citizens that they pay taxes, is a very doubtful popular leader. The popular leader is he who arranges it so that the others pay the taxes. On this reflection, "Then we would no longer be a popular party," the coalition of that time was shattered. Such an agreement finally came about after all in the natural course of events, but not until 1907, when it was too late for Liberalism.

I happened to read just today in the *Frankfurter Zeitung* (No. 207) that matters were supposed to have gone even further. It is said there that the Kaiser was willing to allow the Radicals (*Freisinnigen*) to take part in the government. I do not know whether that is really true. If so I should probably have heard of it then. Essentially it amounts to what I have said. For such an agreement with the government, if it does not mean exactly ministerial posts, means at any rate a very considerable influence on legislature. But it is difficult to reach such a position, when for a whole generation one has accustomed the people to think that the government does nothing but evil and demands unreasonable things, and has held in suspicion everyone who has to do with the government as a courtier, or "silk stocking" (*Wadenstrumpfler*), as it was called then. In this ever critical negation the Opposition possesses a great element of power.

For mankind there is no greater mental pleasure than being able to find fault, or as Goethe expresses it in his more dignified way, "The doer is always wrong, the observer is always right."[1] To assume the pose of knowing better, of superiority, to criticize, to show how and where a saving

[1] "*Der Handelnde hat immer Unrecht; Der Betrachtende hat immer recht.*"

could be made, to defend the rights of the people, to tell those in power of the error of their ways, all of this can not be done as freely if one takes part in the government oneself.

Therefore it will be found that in France and England, where there is also much dissatisfaction, it does not come out as strongly as here. Especially not in England, for there one-half of the masses is governing and has to endeavor to understand what the ministers are doing and more or less to defend it. With us, instead, we follow the middle way, i.e., every trend or faction of all the parties except the Social Democrats coöperates to some extent but never completely, while one very large party, the Social Democratic Party, almost always stands outside. Naturally that always excites the inclination to criticism, and this easily becomes fault-finding. That does not matter very much in the end; for in great moments one can rise above it.[1] What is more important is, that through the existence of intransigent parties a government naturally conforming to the great tendencies of development can be hindered.

Social Democracy and agriculturalism. At present we have the peculiar situation that there is a decidedly agrarian parliament and an agrarian government, although according to the census of the year 1907 only 28.6 per cent of the entire population were agriculturalists. In the year 1895 there were still 37.7 per cent. So rapid is the decrease of the agricultural population in the total economic life. As another six years have passed, hardly a fourth or little more than a fourth is agrarian. In spite of this, the agrarians have the majority, and a large majority, in parliament.

Only the Social Democrats and the Freisinnige Party are free traders. That is due partly to the antiquated method of division into electoral districts, which favors the sparsely inhabited districts, inasmuch as this division does not give seats to the large industrial cities which have developed since 1867. But that does not yet explain such a colossal adverse

[1] This is a remarkable prophecy which Professor Delbrück at the time, 1913, had no idea would be fulfilled so soon. When the test came, in August, 1914, all parties, even the socialists, demonstrated that they could rise above it. — Translator's Note.

balance, which comes from the fact that the government and the parties which adhere to it can under no conditions enter into political relations with the Social Democrats. Therefore, when it is necessary to choose a member, the followers of a moderate economic policy are in many cases forced to go with the agrarians, because these always form the nucleus of the opposing force against the "Sozi."[1] Thus it is often the large landowners who must be chosen, if one does not wish to let Social Democracy in. I consider that in no way a misfortune; I am somewhat of an agrarian myself. To be sure I am not very popular with the agrarians, because I have sometimes told them rather hard truths.

The agrarian tariff. Nevertheless I consider the agrarian protective tariff policy in general justifiable and beneficial, and this from the standpoint that it has not raised the prices of agrarian products, but has only checked their fall under the former average. That is actually the case. With the exception of a few years, the price of rye, wheat, and other agricultural products has, in spite of our huge duties, remained below the average of the years 1851 to 1880, and only in very few years exceeded it.[2] As long as this is the case the duties are justifiable. For if they had not come, or were suddenly removed, there would be a great economic collapse in the country districts, which would actually upset not only all the rural families, but the whole economic life, to such an extent that the mere consumer, the purchasing workingman, would also be affected.

The agrarian protective tariff loses this justification, however, as soon as prices rise considerably and permanently above the traditional limit, and it is quite possible that this

[1] Socialists.

[2] In the years 1851 to 1880 the average wheat price was 209.6 marks per ton. This price was only exceeded in 1891 (with 224.2) and in 1909 (with 233.09); today (Nov. 13, 1913) it stands at 178. Rye cost from 1851 to 1880 on an average 163.1 marks, exceeded this average six times before 1909, but sunk to 118.8 in 1896, in spite of the tariff. Today it stands at 153. The consumption of rye per capita has remained about stationary since 1878; but at the same time the consumption of wheat has risen enormously, and the total consumption of cereals has therefore greatly improved.

situation may arise now, and in that case we shall have to reduce the tariff.

I will not engage in reflections concerning the future, but will only lend support to the principle that the agrarian protective tariff, even for those who do not possess a single acre (*Weder Ar noch Halm*), can be regarded not only as justified, but even as beneficial; that we must therefore still be thankful to the Social Democrats for their intransigent position, which gives the agrarians their leadership in Germany. Moreover, from a higher point of view this attitude of a large party is the most injurious and perverted possible, but it is very difficult to get away from it, as we have learned from the history of the Radical Party (*Freisinnige*). Let the Social Democrats themselves see how they can manage the affair. Ours is the gratifying result that the difficulty of getting along with a parliament with insurgent parties has until now proved superable and will also prove superable in the future; indeed that it even helps us to preserve the conservative elements and foundation of the state.

I must deal now with another rather dark point. We have pictured to ourselves two powers ruling in our country: The organized political intelligence of officialdom, and the people, which expresses its various instincts in parliament.

The organized intelligence. The matter of the organization of intelligence is a singular thing. We have seen that it is a psychological error to see the will of the people in parliament, for the will of the people cannot be organized. The democratic Reichstag is invaluable in the German Empire of today, but it cannot fulfill the ideal demand, i.e., to represent the will of the people. It is the same with the organized intelligence of officialdom. If one organizes intelligence it curdles, becomes stiff and unpliable, and there arises either a bureaucracy or hierarchy. What an unpleasant sound these words have, and in what a crushing manner have our greatest statesmen characterized this very Prussian officialdom, which we have convinced ourselves forms the true structure of our state and to which we owe so infinitely much.

Stein never spoke other than contemptuously of the "paid officials," and in Bismarck's eyes the officials were drones,

who make laws and in return let themselves be supported by the people; indeed, he even coined the scornful remark concerning that "extract of stupidity and malice called in Prussia the privy council" (*Geheimer Rat*). An example that one must not accept as an objective historical characteristic a judgment rendered in a mood, even when expressed by the greatest public men. It is true that in spite of the highest degree of experience and intelligence an ossification of the power of thought and a narrowing of the point of view develop only too easily in the official body. Pedantry, formalism, haughtiness, slavish clinging to tradition, ambitious climbing, incapacity to adapt oneself to new problems and exceptional conditions — these are qualities which appear all too often and make the anger of men like Stein and Bismarck at least understandable. In military circles this same tendency is called *Kommiss* (narrow militarism).

We have surely as efficient and superior a body of officials as any other country, but that it is not equal to certain tasks, we now have a very important and very deplorable proof, about which I shall speak somewhat more explicitly. That is the Polish question.[1]

[1] Professor Delbrück's attitude toward the Polish question deserves some slight comment. First of all, it is illuminating to see the extent of academic freedom of thought and speech actually existent, as shown by this violent criticism of the government's policy by a professor in the state university not two hundred yards from the King's palace. This criticism of the government did not prevent Professor Delbrück from receiving another decoration and becoming dean of the faculty of philosophy a year later.

In the second place, Professor Delbrück is avowedly partisan on the question of the Alsatians and Poles. He is the leader of a very strong and ever-increasing minority which has had much influence in changing the government policy. For this reason no opportunity is ever lost to preach the evangelism to the public.

The third point is the question of Poland itself in its relation to the government and to the public. The policy of the government had the hearty support of the people. When the government saw the error of the policy, as described by Professor Delbrück in these pages, and began to materially relent the Germanization measures, the public refused to be convinced, and public opinion loudly demanded the old vigorous measures. The government had changed its policy completely between the date of these lectures and the outbreak of the war, and public opinion was even

The Prussian Polish policy. In the modern national state it is an especially difficult problem when considerable elements of a foreign nationality are included. How shall a nation of Germans, built up entirely on a vivid consciousness of the German race, dispose of the fact that it has in its imperial and national body not less than four million Poles, and besides that, Danes in the north and French in the west? This problem can perhaps never be completely solved. It is customary to say, and will always continue to be said with some degree of justification: The Poles are after all only Prussians until they give "notice." They swear allegiance to the Constitution, perform their duty, work on the positive problems of state — to the Polish vote we owe, in parliament, the German fleet and the army reform of 1893 — yet nevertheless, if one imagines that world history (or as the Poles express it, "if it is God's will") ever shows the possibility of the formation of a Polish nation, they will regard that as a higher law and turn to this new nation.

How shall one deal with such a part of the people? The resolute think one should Germanize them. This was taken in hand 25 years ago. To be sure, we have the public school — the German school teacher. From their sixth year on the Polish children learn German, and what they have learned at school is completed in the army; the Polish recruits are divided among the German regiments. The whole administration is German, the official language is German, all the higher officials are Germans. Besides, enormous sums are devoted to buying up Polish lands and settling German peasants there.

When one hears that, one would think that it must help in the end, especially as the Poles are divided among four different provinces. We have from one to two millions in Upper Silesia, about one and a half millions in Posen, one-half a million in West Prussia, and one-half a million in

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becoming more conciliatory, so that the conditions of the Germanization of the Poles subsequently passed into history and ceased to exist as herein described. Professor Delbrück himself at the present time attaches much importance to the fact of this changed attitude on the part of officialdom and public. — TRANSLATOR'S NOTE.

East Prussia, in every case mixed with Germans; nowhere have we large isolated Polish territory, not even one purely Polish district. If this already mixed territory is invaded by even more German elements, and a strong German peasantry is introduced, even though with great sacrifice, one would think that success could not fail in the end. But if today you discuss the matter with somebody who is more or less unprejudiced and knows the conditions there, he will tell you: "In these 25 years there has been no progress made; on the contrary." To be sure, the official statistics attempt to reckon out a few thousand more Germans here and there; the number is by far not as great as that of the German peasants brought there. The residents are very sceptical of these statistics, and probably the German element in the four provinces is even decreasing.

As the owner of a large estate on the Polish border wrote in the *Preussiche Jahrbücher* recently (March number, 1913): "While we are colonizing the country, the Poles polenize the cities." Formerly the cities were mainly German, if we count the Jews among the Germans, as they also spoke German and associated themselves with the Germans. All through the east, in the old Kingdom of Poland, the cities were heretofore mainly German and Jewish. But this German population is leaving, and the municipal house owners, craftsmen, shopkeepers, druggists, booksellers, surveyors, who were formerly all Germans, are now increasingly Poles.

After one has discussed the matter for a time the last rejoinder is usually: "Yes, but if it were not for our East Provinces Policy (*Ostmarken-Politik*) it would be much worse." That is, to be sure, a very questionable comfort, but it shows, at any rate, that this 25-year-old policy has accomplished very little, if anything.

One of the cleverest politicians in the Reichstag in Bismarck's time was von Kardoff, at that time one of the leaders of the Free Conservative Party and also completely in Bismarck's confidence. He left a note (I printed it in the 140th volume of the *Preussische Jahrbücher*) in which he acknowledged that when Bismarck introduced the first bill of this sort into the Prussian House of Representatives (*Abgeord-*

netenhaus) he had told him in confidence that the affair would not succeed, and that Bismarck had said that privately he shared his opinion, but that for certain reasons of foreign policy, to strengthen his authority, which was being strenuously attacked in the Reichstag at the time, he was forced to act as he did. Kardoff closes his notes with the words: "But unfortunately, my doubts at that time have proved to have been fully justified by present experiences. The Polish movement has not declined, but is considerably strengthened. The attack has aroused a counterpressure and has led, for the present, only to a strengthening of the all-Polish agitation, not only in Posen, but also in West Prussia and even in Upper Silesia, which never belonged to the Polish kingdom."

Besides this testimony of Kardoff, I refer my readers to a publication which has just appeared this year, by the former district administrator (*Landrat*) in Posen, Chamberlain Baron Puttkamer, *The Failures of the Polish Policy,* which says the same thing. Thus the Germanizing policy has gone bankrupt, as nearly everyone realizes except the fanatic Hakatists.[1] It has not weakened the Polish cause numerically, but morally it has strengthened it enormously.[2]

[1] Society for the Germanization of the East Provinces. — TRANSLATOR'S NOTE.

[2] Many Hakatists now acknowledge also that the Eastern Provinces Policy has had no success. In reply to this Privy Councillor Witting is supposed to have said in a speech in Bremen (*Tägliche Rundschau* of Nov. 7, 1913): "It is a lie that the Eastern Provinces Policy, in the sense of Bismarck and Bülow, has failed." As former mayor of Posen, Mr. Witting could claim some authority. But it must be said that in a pamphlet, "The Problem of the Eastern Provinces" (1907), he expressed himself quite differently. I can not believe that there is any misunderstanding on my part, for in an article very worth reading, by Karl Jentsch, about the Polish policy, I have just found the sentence: "That the attempt at Germanizing has completely failed, and that all efforts in this direction are hopeless is also acknowledged by Mr. Witting, who condemns the misuse of the school for political purposes as a crime." This article is in *Die Zukunft* (Oct. 4, 1913), which is edited by Mr. Witting's brother, Mr. Harden, and it is hardly to be assumed that Harden would have allowed an entire subversion of his brother's intention to pass in his publication. At any rate, Mr. Witting also regards the results of the Eastern Provinces Policy with such doubt that he has proposed an extensive inquiry, a suggestion of which I can only approve.

A few years ago in Scheveningen I met a Polish Count from the neighborhood of Warsaw. I got into conversation with him. He told me that on his journey he had stopped over in Posen, had visited the archbishop's palace, and while there had expressed his surprise at seeing peasants and common people reading the newspapers; that was unknown in Russian Poland. He received the answer: "We have the Prussians to thank for all of that; they have made us prosperous, they have educated us, and now they are even making patriots of us." Now they are even making patriots of us — namely, Polish patriots! What a mockery! How did that happen? Why has this policy, which was put through by such a powerful body of officials, with such tremendous means (close to a thousand million marks were gradually spent), with the approval of a very large part of the German people — how has it come that this policy has gone so completely bankrupt?

The public schools. The chief means of Germanization was to be the public schools. How are matters there? There are perhaps 25 German children and from 40 to 60 Polish in each school. The teacher knows that there is nothing on which the district school inspector lays more weight than that the Polish children shall learn to speak German, and they really do learn something. At first I did not consider it possible, but our public school teachers are so excellent, the method so thoroughly worked out, and in any case the vocabulary of the children so small, that it is really possible — they learn German. But the German children learn next to nothing, as the first thing is to advance the Poles far enough so that they can follow the instruction with the Germans. When the children leave school the Germans are still ignorant, the Poles have learned something, but at the same time they are filled with the bitter experience of foreign rule, for there is no deeper injury to one's national consciousness — ask our fellow-countrymen in Hungary and Russia — than having a compulsory language in the schools which is not the language of one's mother and father.

Thus, in the first place, the Polish children are brought up as Polish patriots, with the help of their father confessors.

Secondly, when they leave school, they have learned enough to crowd back the Germans on every side. For the bilingual are always stronger than those who know only one language. Every shopkeeper who needs an apprentice for his shop must look for one who knows both languages, and even in petty officialdom attendants are needed who can make themselves understood to the people who cannot speak German. Making the language compulsory has not shown itself a means of Germanizing the Polish population, but on the contrary has given them the power to fight Germanization all the more strenuously.

Forcing the German public schools on them is a true and typical bureaucratic policy, which imagines that with the rules and regulations it can accomplish anything it undertakes. This is official haughtiness which never sees that there are other forces in the world stronger than its own.

The real creator of this public school policy was a director in the Ministry for Education (*Kultusministerium*), Kügler, one of the most capable officials that Prussia has had, and an ambitious and enlightened man. With what assurance he vowed, when I expressed my objections, that if we would only trust to him and his experience, if we only stood firm, we should, with the help of the public schools, make Germans of the Poles! Now that the system has been in application for more than a generation, where are the Germanized Polish children? A secondary school teacher in Posen once told me that his position was really tragic, for the more he felt that he was succeeding with his Polish pupils, the more he also was conscious of rearing enemies of his own race and fitting them with the means of fighting it. How can it be different?

This method of trying to Germanize by means of the school — it is, by the way, officially denied; they claim that nothing of the sort is intended, that the Poles are only taught German because they live in a German state — this method then of amalgamating the nationalities by means of the school, is a true example of those characteristics of bureaucracy which I described above, and in the province of Posen there is only one opinion as to how immeasurably this German

public school system is injuring the German cause.[1] But now require our district administrator, our school commissioner, our *Regierungsrat* or privy councillor [2] to acknowledge that for 25 years they have done something wrong, so that they may change it now? That is like demanding of the Social Democrats that they authorize military expenditures!

Officialdom. Parallel to the Germanization of the public schools there proceeded the gradual Germanizing of the whole higher official body. Whereas formerly there were many Poles among the higher officials and also in the corps of officers, they have gradually all but disappeared. What has been the result? A number of tolerably well-paid posts are no longer easily accessible to the Poles; in reality we have taken from them the burden of the state, as one might express it.

Let us make that clear to ourselves by an example. Let us imagine two estate owners, a German and a Pole; they are neighbors, of equal prosperity, each has three sons. The oldest son of the German takes over the estate, the second becomes a government or legal official, the third becomes an officer; the daughters marry correspondingly. Until his death the father is burdened with high annual contributions, and when the estate is divided the heir has to place heavy mortgages on it. The case of the Pole is thus: One son receives the estate, the second administers the distillery, sugar or starch factory, or whatever else of a technical order there is on the estate, the third goes to the city and becomes a merchant or director of an agricultural organization; the daughters marry correspondingly. In the next generation the chances are that the German is so situated that he has to sell his estate, and the Pole is in a position to buy it.

State service is a burden, in spite of the honor which it brings. It is very moderately paid, so that in the case of

[1] This injurious effect of the German public school system is well shown in the book *An Unknown Race in Germany,* by Ernst Seefried Gulgowski, with an introduction by Heinrich Sohnrey, 1911. See also the Prussian Year Books, volume 143, page 374.

[2] See, in Glossary, "Landrat," "Schulrat," "Regierungsrat," "Geheimer Rat" — all titles for higher officials in the various departments of provincial government.

families who give over their sons to it, and who marry their daughters into this class, as a rule the family capital, if there was any, is gradually used up. The classes of society which devote themselves entirely to economic pursuits prosper the most, and we have forced the Poles to concentrate their attention along this line — an important reason why the wealth of the Polish higher classes has grown so enormously in the last generation.

Colonization. Now the chief means of Germanizing the East Provinces is the settling of German peasants. We have established there in all over 120,000 German peasants (census) and have thereby created a really considerable German element. In fact, a peculiar law has even made it very difficult for the Poles themselves to settle in their own country. If a Pole buys a piece of land and wishes to build a house, it may be forbidden him. This class law, which strikes out deeply at private ownership, has very often been applied in all its severity. Nevertheless the Poles have acquired the possession of so much German land that the whole colonization on the part of the government has been thereby counterbalanced, indeed the Poles are said even to have gained the advantage. The very pressure which forced the Poles to devote themselves to industrial pursuits has made the Polish farms disappear, and of the huge amount of money which has been scattered over the province, a large portion has benefited the Polish families.

One of the leaders of the East Provinces Organization once said very correctly of Posen: "When the sun shines there it always shines on one German and two Poles." The Poles have had the greatest advantage from the artificial boosting of land prices, and especially the surplus of the better Polish rural population has gone to the cities, and as a reaction against the invasion of a certain part of the country by German farmers, the cities have become "Polenized."

Minister von Rheinbaben suggested as an ideal plan the surrounding of all the cities of Posen with circles of German peasant villages; thereby the cities would become Germanized. How does one imagine such a circle? The province has almost 150 cities. If one assumes a circle of a mile radius

around each, that would be about 600 square miles,[1] which is more than the whole province, which contains only 525 square miles. A circle around all the cities would mean settling the whole province with German farmers. There is no doubt that that would help — one ejects all the Poles and establishes Germans. But then why the round-about phrase concerning the circle of German villages? In reality the situation is reversed, the German villages have crowded the Poles into the cities, which were formerly for the most part German, and have "Polenized" them.

In the class of independent industries of the province the Germans decreased in number almost 7 per cent from 1895 to 1907, and the Poles increased almost 6 per cent. Among the independent tradespeople the Poles increased by 46 per cent, the Germans decreased by 10 per cent. In the citadel of the German element, Bromberg, the Poles constituted 8 per cent of the trades in 1887, today they constitute 24.2 per cent.

One must not appeal to the fact that this work of colonization, in itself a great accomplishment in civilization, was conceived by Bismarck and is based upon his authority. I wish to remind my auditors of the note of Kardoff, in which he stated that Bismarck was at heart completely against the plan and consented to it only because he was forced to do so by the political parties. Also later, in a series of public speeches, to the end of his life he always condemned the colonization as completely wrong, and even defended the Polish peasants as trustworthy Prussian subjects.[2]

Polish national sentiment. All the unintentional results

[1] German miles; 1 German mile = 5 English miles.

[2] In *New Germany* (Nov. 30, 1912) I have formulated the proof that Bismarck, to the end of his days, condemned the peasant colonization as a means of Germanizing the Eastern Provinces. L. Raschdau replied to this with a long statement that Bismarck *officially* supported the colonization on many occasions. That requires no proof, but it has probably occurred often that a statesman's official stand has differed from his private views, and in this case we know from the note of Kardoff (vol. 140 of the *Preussische Jahrbücher,* page 374) for what tactical reasons Bismarck considered it advisable at a certain moment to permit the colonization and to have official memoranda prepared to that effect.

of the ill-considered Germanization measures, the German public school, the German body of officials, the German colonization, meet in one focusing point: the stirring up of Polish national sentiment. Formerly the Polish national feeling was, as is known, extraordinarily weak, and paralyzed by the ill-famed Polish party spirit. The mass of the people, the peasantry, was completely indifferent, or filled by a sort of dull gratitude to the Prussian Kingdom to which it owed its freedom from serfdom. Today that is all quite different. The party spirit is suppressed and the whole people stand united in firm national consciousness.

What a field for the clever agitators the German colonization is! How shall the peasant resist the argument that the German receives his farm at half its value from the commission for settlement, when they say to him: "Your father also fought for the King of Prussia in 1866, your uncle fell in the battle of Wörth, you served your own time with the colors loyally, and are excluded from the equal privileges guaranteed in the constitution; yes, when one of you has earned something by the sweat of his brow, and has saved, and bought a farm, and wishes to build himself a little house on it, it is forbidden him by the government." Add to this the daily irritation through the public school, the painfully felt coercion of having to transact business in court and in the administrative office in a foreign language, finally the spiritual support which the Catholic Church grants to the Poles, and there can be no surprise that the Poles show not only such a strong defensive force but also even an offensive force.

The boycott. The offensive consists in the so-called economic boycott, which renders the German business people and artisans breadless and drives them out of the country. This boycott is very old, but only in the last generation has it attained its full effectiveness as a countermeasure against Hakatism. In general, housewives go where they think they can purchase best and most cheaply and do not concern themselves with politics and parties.

It requires the daily renewed irritation of racial conflict to bring out the truth of the words: "Everyone for his own

people." Here of course the Germans have succumbed; they are in the minority and were in the position which was being attacked in the municipal trades. The boycott creates the growing Polish prosperity, economic industry, the migration from the country to the city — the possibility of broadening out and for taking root; the customers by whom the artisan and shopkeeper live. Our bureaucratic policy did not think of such results when it inaugurated the new program in the Polish policy.

Let us turn our attention from these large measures to a series of smaller ones which also show just the same short-sightedness of bureaucracy.

The castle. They have built a wonderful castle in Posen, a sort of "Zwingburg,"[1] to keep the fact always before the eyes of the Poles that they are under Prussian rule. Now the castle is finished and ready for occupancy. Its natural purpose should be that a Prussian prince in Posen should take over military functions and live in the castle. But the moment such a possibility came under consideration the Hakatists saw clearly that they would be cutting off their own noses thereby.

A young Prussian prince, and especially the princess, could not associate exclusively with their excellencies the ladies and gentlemen of the government and garrison. The natural position of a prince who resides temporarily in a province is to come into social relations with the resident families of rank, and with the nobles in the castles, where hunts and balls take place. In Posen there are the great Polish noble families, whose hospitality is famous and whose daughters claim to be the best dancers in the world. But what becomes of Hakatism if a representative of the royal house cultivates such relations with the Polish nobility? Either the Poles refuse outright to enter into such a connection as long as laws exist to drive them from their native soil, or if they do not, they thereby gain an influence which will soon modify more and more the execution of the previous policy. Such consequences did not occur to our Eastern Provinces politi-

[1] A free translation might be, "Castle Coercion." — TRANSLATOR'S NOTE.

cians when they demanded and appropriated many millions for the building of the "Trutzburg"[1] in Posen.

The academy and library in Posen. Also an academy has been founded in Posen which can neither live nor die. For a few semesters the Germans in Posen listened with pleasure to the lectures offered them. Now interest has died out and the professors have no auditors. The academy cannot be made a university — a German one is not possible, a Polish one not desirable — and the famous Director of the Ministry, Dr. Althoff, has cudgeled his brain how to help the crippled undertaking to some sort of useful existence.

Besides the academy a splendid library has been erected in the middle of the city, to which all the German booksellers were formerly called upon as a patriotic act to present their publications. But how often does a scholar come to Posen and demand books? To be sure, there is always in the province and capital a certain scholarly demand, but the principal call, as shown by the official reports, is for modern belletristics,[2] or in other words, as the people of Posen say mockingly, "It is the circulating library for our young girls." For such purposes the Prussian taxpayers have had to raise millions and millions, and yet the Prussian university libraries, and even the royal library in Berlin, could not obtain the few hundred thousands required for the most urgent scientific demands of our scholars.

An Austrian statesman once said that certain Austrian measures were, next to the fable of the magic flute, the greatest stupidity in the history of the world. Who knows how future statesmen will vary this remark! Our Polish policy resembles the man who wished to swim and was drowned because he fastened the water wings to his feet, thinking that his head would be on top anyhow.

So having gotten so far in the treatment of our Polish policy, and having reached the conclusion that not only has

[1] We might say, "Spitecastle." — TRANSLATOR'S NOTE.

[2] I have before me the official record for the year of 1908. There were in circulation 27,000 scientific volumes, as compared with 69,000 volumes of a popular character, and this circulation of 69,000 volumes comprised in reality not more than from 5,000 to 6,000 volumes of modern literature.

it not helped the German cause, but taken all in all very considerably injured it, in spite of the large gain through the settling of the peasants, I should not entirely omit the question of how it could have been done differently.

First we must repudiate the theory that now having once begun this Polish policy we must complete it, that consistency is the main thing — above everything no zigzag course. That is about as mistaken as if somebody who wished to drive up a hill and saw his wagon sliding backwards more and more said to himself: "Just keep it up; we will get to the top eventually."

Plan of a better Polish policy. The aim of a correct Polish policy can, of course, never be what one might call reconciling the Poles. One can never reconcile the Poles as a whole. There will always remain a radical, national faction which knows that it is precisely the struggle itself which is of the most use to the Poles, and which therefore fights on under any circumstances, and will always seek anew to irritate and entice us into the error of a national struggle.

A wise German policy must resist this temptation and instead take to heart the basic principle, *Divide et impera.* In giving up the idea of fighting or winning over the Poles as a whole one must aim at conditions which may make possible the creation of a Prussian Polish party. The prospects of founding such a party among our Poles are not bad even today. It is not necessary that every race be destined to form a great national state. We Germans have only partially reached this goal, inasmuch as large divisions of our race in Austria and Switzerland must remain outside of the empire and probably always will. Poles who follow a practical policy can become reconciled to the fact that they belong to different states, if within the foreign state their nationality and religion are not offended.[1]

Our Poles have nowhere an isolated territory, but their four millions are divided over four different Prussian provinces, among about eight million Germans. If a Polish nation

[1] In Austria this thought has already stood the practical test. See the highly instructive article by E. Zweybrück, "Austrian Polish Policy" (*Preussische Jahrbücher,* volume 140, page 115).

were founded and were to attempt to draw to it the Prussian Poles, it would be compelled geographically to take many million Germans in also. In other words, the foundation of such a Polish national empire is only thinkable on the assumption of a complete destruction of the German Empire. That there are no prospects of this many Poles understand. They not only understand it, but they do not in the least wish the destruction, as it would have to be brought about with the help of the Russians, and even Prussian rule seems to them better than the rule of the Russian knout. The demand that they as Poles must accept the German — that is, the occidental civilization — is for them in no way offensive, but quite a matter of course. They have belonged to it for a thousand years; they wish nothing to do with either Moscovitism or Panslavism.

The Polish race is divided into four castes, and of these four castes three are from the start suited to a mutual understanding and association with the Germans. There is the nobility, which greatly desires to be able to reassume its relations to the court and have its sons again become officers. In Bismarck's time, when the Poles still hoped for a restoration of their national empire by the French, the nobles represented the separatist tendency. Today, since France has allied herself with Russia for weal or woe, it is this very nobility which would so gladly make its peace with the Prussian state.

Then there is the clergy, whose highest doctrine is that they belong to the Latin Western Church and culture, and that their worst and most dangerous enemy and persecutor is the Russian orthodoxy (Greek Church). As we are all aware, in Germany the Roman Catholic Church plays an all too important rôle in the government, so that it is quite natural that the Polish clergy also feels itself drawn to an empire so largely Catholic.

Finally, the peasant sees how excellently all agrarian demands and necessities are provided for in Germany, and he has not yet forgotten how much he owes the Prussian kings. That is a point which Bismarck also emphasized again and again in his speeches, and the reason why he was not in favor

of the colonization in Posen, but consented to it only with inner reluctance. The fourth Polish group is the bourgeoisie, which has sprung up only within our own time and been developed, thanks to our false policy, and this forms the only really irreconcilable part of the Polish race. It lives by crowding the German citizens out of the province. To win it over will be hopeless for all time.

The reconciled Poles also retain the idea as we have expressed it, "Prussian until further notice." That cannot be changed, as they are not Germans and there is no way of making them Germans. It only depends upon pursuing a policy which never allows the theoretically possible "notice" to become an actual one. In all probability it will be so. In the struggle of civilization we were always told anew that our Catholic fellow countrymen were not reliable citizens, as according to their faith the Pope might release them from their oath of allegiance at any moment. Theoretically that is quite right; the dogma exists, but the probability that the Pope will ever make use of his power in our case is so slight that hardly anyone thinks of it any more, and the adherents to the Center Party, who were formerly persecuted because of their ecclesiastical views, stand now in the center of the royalist parties, assembled about the government.

Hakatism and the German cause abroad. The Hakatist policy has seriously injured the German cause in Posen; it has weakened it numerically, but strengthened the Poles; it has also deeply injured the morale of the German cause, inasmuch as those of the party still remaining in the Eastern Provinces are made up for the most part of personalities who snatch out national gratuities and employ the most turbid means in order to have their property bought up as dearly as possible by the settlement commission and then to leave the province.

Also the Hakatist policy has finally injured us extremely abroad. It is of great importance for every foreign policy what kind of a reputation a nation enjoys among the other large civilized peoples. The German nation is — one must not give way to any delusion in this matter — the most unpopular of all, and it is by no means only the envy of the

other nations that lead them to look upon us with such disfavor, as we are fond of claiming as an excuse. It is in no small part our false policy toward our foreign nationalities which has made us so hated everywhere. The Poles and Danes have eagerly seen to it that every single example of severity which has happened has been spread throughout the world. Again and again they have stirred up feeling even as far as America against "the barbarous Prussian police state," and most carefully failed to mention how much they owe to us in spite of everything.

The harm which has been done us in all directions through false policies is immeasurable and can never again be entirely counteracted. Nevertheless I do not altogether regret that a forceful attempt has been made to hold down the interspersed foreign nationalities and wherever possible to Germanize them. For even if one attains a sensible policy, the national struggle will, as I said before, never cease completely on that account. There will always be irreconcilables who fight on, and also the demand will always arise again and again to try forcible measures on a large scale. If one considers it theoretically one would think that the Prussian state, with its enormous means, could not fail in the end in bringing the foreign fragments over into Germanism. Therefore the practical attempt should be made and may last, as far as I am concerned, until the most unconvinced recognizes that this policy has had no success, but has been a fiasco. That at least ensures us in future against the return of such unhappy experiments as we have experienced for the last twenty-five years.

I have dealt with this chapter of Polish politics somewhat more extensively, first because it lies particularly close to my heart, wherever an opportunity presents itself, to show the German people again and again how much it has sinned against its own welfare in this respect. Since the year 1887 I have opposed this policy, foreseen and prophesied its unsuccessfulness and unlucky reactions, and many a good patriot has wondered that precisely the publication which called itself the *Preussische Jahrbücher* opposed what they thought to be such a truly Prussian and truly German policy. Now

the opinion that we have been on a wrong track is gradually spreading.[1]

Also for a second reason I have dealt with the policy toward our foreign nationalities because it is essentially a bureaucratic policy, and I had to show the limits of the capabilities of even the best policy of officialdom. Almost the principal object of these lectures is to set in the right light the merits of our official body as the real representatives of the state idea. But even an admirer need not for that reason be a blind eulogist, and so it is only the truth which compelled me to include also in my consideration the weak, even the weakest part of the political history of our officialdom.

Hidden similarity of the dualistic and monistic state systems. Now that we have disposed of this disagreeable task, let us go over to the concluding, theoretical comparison of the advantages of what I have called our dualistic form of government and the parliamentary systems.

Let us next represent to ourselves that in a certain respect they stand much closer to each other than it appears at first sight. We have in Germany a dualism founded on the cooperation, as I have expressed it, of an organized political intelligence with the broad masses of the people as represented in the Reichstag. In France, America, England we have swept away the superstition that the people govern themselves, the once widely famed "government of the people, by the people, for the people" (as President Lincoln described it), and have convinced ourselves that there also certain self-perpetuating corporations of politicians rule while keeping in touch with large masses of the people. The dif-

[1] Especially in the Eastern Provinces themselves the large majority of Germans has recognized this long ago. An article written by an ardent Hakatist in the *Grenzboten* (1913, third quarter, page 357) serves as proof: "It is known to everyone who is acquainted with the conditions in Posen and the Eastern Provinces that in the settlement provinces only a large number of officials and teachers with their followers and a very few large estate owners and members of liberal professions support this policy. The Eastern Provinces organization has amalgamated these circles into a rather influential union. But unfortunately the majority of the resident German farmers, industrials, physicians, and advocates regard this policy with mistrust.

ference is then that here we have an exclusive body under a monarchic head, and over there free, historically formed groups which alternate in the government;[1] in England and America essentially only two, in France very many.

Errors of party government. The result is that the individual will and desire is extremely limited in English and American parliamentary life. One must enter either one group or the other. When an American politician once wished to advise a voter against blindly voting a straight ticket, because the devil might be on it, the man answered: "Even in that case I shall hand it in." Thus, over there, one must support his party under any circumstances; in France also, though not quite so rigidly as in America or England. For, owing to the multitude of parties there, individuality has more play.

This multitude of parties is also ruin. It causes lack of stability in the administration; the country is driven from one administration to another by the slightest wavering of the popular sentiment, by every intrigue of the leader of a group. That is not in reality so very injurious, but only because the parties which really alternate stand so close together. The difference between them is sometimes hardly noticeable. But nevertheless the insecurity remains.

Nature of the parties. The parties are not merely divisions of the people, so that by simply taking them all together one has the people as a whole, but every party is an organization filled with a special spirit, ruled by general principles which are not necessarily subordinated to the state idea. All parties have a certain relationship and therefore sympathy with foreign parties which pursue the same ideas. The Conservatives in Germany naturally care for the English Tories more

[1] The resemblance between the German and English systems is gradually becoming greater and greater, as over there also the professionally trained officialdom, standing outside of the parties, is constantly increasing. In the old parliamentary state all of the official positions were filled simply through patronage; instead of this, in spite of violent opposition, even that of Queen Victoria, examinations were introduced in 1855, as we have them here, and also paid official positions created in the place of the purely honorary ones. Graham Wallas, *Human Nature in Politics,* page 249 ff.

than for the Whigs, and with some parties this goes so far that they may be called international, or even call themselves so. One speaks of a black, red, and a golden international party.

The party idea always stands in a certain state of tension with the national idea. One speaks indeed of the "national parties" here, but this idea is only relatively true. The individual party man can be strictly national, but the party as such always has its own interests, which do not always necessarily coincide with the national interests. The idea of "national parties" in Germany is therefore also very indefinitely defined; some count in the Center Party and Liberals, some do not; some claim that most Social Democrats are at heart very good Germans, and sometimes the Social Democrats even declare this themselves.

It is therefore inevitable that every party government brings with it the danger that the state may be ruled not entirely according to its own inner need, but according to one fundamentally diverging from it, and the change in this divergence, while correcting this fault, at the same time creates another, and also brings with it the insecurity which is inherent in change.

The highest power of this disparity between the party idea and the state idea is to be seen at present in Austria. There the parties themselves are essentially arranged according to nationalities, and the result is that in placing their view above the state idea they have brought the state machine itself to a standstill. Here the system of parliamentary party government has ended in complete bankruptcy, and only absolutism, monarchic official rule, can save the state.

One must not be deceived by the statement that the governments in England, France, and America alternate according to the decision of the people. Even if after a new election another majority appears in the House, it is not the people who have voted differently, but a small fraction which has gone over from one side to the other, and often not even a particularly valuable part of the people at that.

The parties themselves are not constant, so that perchance at all times in all nations there might have been or must be

a Liberal and a Conservative Party. The external form repeats itself naturally again and again, that for example one party wishes to conserve, the other to change. But there have been strictly conservative democratic parties, and the Jacobins in 1793 were preëminently not so much the party of the city proletariat as they were the patriotic and war party to the last extreme. Parties are always specific products of their time and people; but a certain one-sidedness in the interpretation of the problem of state necessarily clings to them, otherwise they would not be parties, and that imposes severe limits to the policies they direct.

Advantages of the German system. The monarchic system of government is free from all this weakness and one-sidedness, and that gives it a great advantage. How has it come about that Germany has been so far ahead of other countries in social organization policies? First, of course, because we had a statesman like Bismarck, who could put through such a thought, but further because the officialdom in our state forms a neutral point, as the official stands in the midst of all classes and interests, and has to look out for the good of the whole. A party, on the other hand, can never be impartial. In England, America and France they look at things only from one special, limited point of view, and not strictly from the viewpoint of the whole. Without some sort of impartial arbitration, such as is exercised by the King and his officials, in the midst of the conflicting interests of the various classes, it is hardly possible to attain a good social legislation.

Social legislation places a certain power in the hands of the government. This cannot be turned over to a party. We see this in one of the most important points, i.e., the railroad system, the question of state or private ownership. The state railroad system is better, not only because it returns the profit from the railroads to society and does not leave it in the hands of individuals, but also the railroad is a great economic power, so great a one that the whole economic life can be more or less regulated by it. Our officialdom stands impartial enough between the various interests, between export and import, industry, trade and agriculture, east and west, south and north, to apply the tariffs

sensibly and fairly. England, France and America cannot introduce the state railroad system, because in that case the party which acquired control of the railroad would establish itself so firmly that it could never again be dislodged, or at least would exercise a tremendous pressure on its opponents. In Germany we have now, through our highly developed system of state administration, about 1,350,000 officials; that is approximately one-tenth of the total number of parliamentary voters, of whom there were 13,300,000 in 1907. Therefore in their number of votes alone the officials throw tremendous weight into the scale. But even more important is the control of economic life exercised by the body of officials.

Trusts. This fact will be more important for future generations than for the past. It is quite clear that everywhere an enormous concentration of economic power is going on, for which the name "trust" has been coined. In this America has gone furthest. The trusts rule not only economic life, but also, through their money, to a large extent the elections and the representative bodies of the people. It is entirely hopeless to fight the trusts; no laws have had any effect, so that President Roosevelt formed the program, not to fight the trusts but to attempt to put them under state control. That cannot be done in states with party government, because one cannot entrust a party with such enormous power. We, on the other hand, need have no fear of trusts, although it is true that powerful beginnings have already arisen here. Our government could, by its railroad rates, connected with tariff legislation, exercise such great pressure that the trusts could never attain as great power here as in America.

The conservatism of officialdom. Perhaps it will be objected that it is a fiction that our body of officials stands outside the parties; that, on the contrary, it is conservative. There is some truth in that. Quite aside from the naturally conservative tendency, which must always be present in officialdom, because it is called upon to maintain the state as such, the conservatism in our officialdom in particular is strengthened by two special motives: First, because our state has developed historically from feudalistic relations, and there-

fore a tradition rules in officialdom, which even to this day has not freed itself from its connection with the reactionary powers; secondly, in consequence of our parliamentary institutions, by which the government is called upon more often than is agreeable to it to stand as well as possible with the conservatives, agrarian and church circles, in order to strengthen itself against the assault of radical democracy. To this extent our officialdom really has a tendency toward partiality to everything conservative. Nevertheless my characterization is correct in principle, and the proof is that if the Liberals complain that the officials are fundamentally conservative, the Conservatives criticize the liberalism of the officials, to be sure not so much publicly, but very severely among themselves. Old Marwitz used to announce anew that the real Jacobins were not the demagogues, but that they were sitting in the chancery of the state chancellor. What Marwitz called Jacobin, what the young Bismarck in his feudal time often furiously called "Bonapartist," that is exactly what we call the officialdom which stands outside of the parties, and the modern test of this officialdom is just this system of social legislation.

On the whole, if one considered collectively the achievements of legislation since the foundation of the German Empire it would probably be seen that by far the most and best among them originated with the government, the monarch and officialdom, and were often put through the Reichstag with difficulty. But the mere existence of the Reichstag stimulated and spurred the government on, and in particular instances it has improved very many things, and even sometimes produced good ideas and suggestions of its own.

Advantage of a party government. Besides very weighty disadvantages, the party government system has an advantage which we must not overlook. Because the whole political system is looser and more pliable than here with the severely hierarchic structure of our officialdom, it is also more easily possible for political talents to rise. That appears to be really important only for a few, but it is of very great consequence for public life in general. Here a rigid system of advancement in officialdom renders it impossible for a tal-

ented man to reach the top while still possessing a certain youthful freshness. That is much more possible in all parliamentary states, and is an advantage which I value very highly, and which surely has the principal merit that, in spite of the great deficiencies of the party government system, it accomplishes its share, and even boasts certain advantages over our system.

Let us now consider one thing: None of these states have been put to a really great test in a great conflict. England fought the great battles against the France of the eighteenth century under the old aristocratic parliament. The nineteenth century has not presented such demands as the eighteenth century. France is still waiting for the great test which it must one day endure.

Party government and the foreign policy. The Americans could not prevent the great Civil War, in spite of their pride in their Constitution, and if they once assume an imperialistic policy — they still do it hesitatingly — the question is, whether this state organization, lacking a homologous, permanent head and a sure, firm backbone, will be equal to such tasks.

We can again fall back on a comparison with ancient Rome. Rome was superior to all other states, because in its magistracy and senate it had the secure center of political authority and political tradition, and besides in democracy the popular element which gives the state sap and strength. Pure democracy can sometimes formulate a good foreign policy for a time, if a man of true discernment and talent happens to have come into control. But politics on a large scale demands in the long run ever new preparations and often the virtue of patience to a high degree. Both are, of course, very hard to attain in states which are dependent to a so much larger extent on popularity and on the approbation of large masses; and in case of any reverse, which even a genius may experience, the mass is all too prone to throw the blame upon the leader and to dismiss him. The popular sentiment here is today very impatient, and inclined to doubt if any definite goal is being aimed at.

One thing is certain, that even if one really has such aims,

they cannot always be attained overnight; that for this not only must the preparations be sufficient, but above all one must wait for the right moment; and very clearly this policy is more easily practicable if, as in our case, the authority is vested in a point which can foresee things far ahead, and does not communicate them to the whole world.

Without closing my eyes to the inner defects which cling to our system of government, I must say that I see in it a much higher and better form of political organization than in any other modern state; but, be it well understood, only inasmuch as both phases of the government are recognized and exercise their right. The bills which are proposed by the representatives of the people, the control which the people exercise, the necessity of justifying oneself before the representative body, of treating with it, of dealing now with this, then with that, faction, of making compromises, of concentrating the people, at least a majority of them, on one point — that constitutes the peculiarity of our strength and gives us the secure feeling that our nation is destined to a great future. Otherwise one could easily fall back upon the thought: officialdom is the political intelligence; we will trust ourselves to it and to the King, who provides for himself and his family best by working for the good of the state. However, the calculation would not be correct, because the organization of the political intelligence in officialdom can only be accomplished to a certain degree, and the monarch is always limited by the accidental boundaries of his subjectivity. Therefore the continual stimulus and the control of public opinion, expressed in the elections by the broad masses, for popular representation, is indispensable. If one should suppress the Reichstag, or exanimate it by a violent change of the electoral law, one would bring the German Empire to destruction just as surely as if the Reichstag should win the powers of a so-called parliamentary government. If both government and parliament work together, they can reach the highest aims, or at least more than the states which are always called upon to follow now this, now that party; that is, to pursue politics not from the standpoint of the whole, but of a part of the whole.

If one considers German politics from this point of view one regards a great deal that is irritating for the moment with much more equanimity. Naturally, against errors we are as little protected as any other country. The popular representation does not always necessarily help the government to avoid mistakes; on the contrary, it often leads it into error; but the avoidance of mistakes is not the decisive thing. *The most important thing for the effect and success of a state organization is that the historically developed forces in the people, by struggling among themselves, finally coöperate as comprehensively as possible for state purposes.* The larger the extent to which this is accomplished, the more right one has to say that in the will of the state — in the government — the will of the people finds expression.

GLOSSARY

OF

Political Names and Terms

by

Roy S. MacElwee

(N.B. As written 1914 and not revised.)

Abgeordnetenhaus.

The House of Representatives of the Prussian Legislature. It consists of 443 members elected by indirect vote at general elections. The system of election is complicated by the electoral college, which consists of one elector for each 250 inhabitants, who in turn elects the Representative for his district (*Wahlkreis*). The voters are divided according to the three-class system, which has caused much agitation in recent years. This classification is based on the division of the sum of all the taxes paid in a district into three equal parts, and the voters are grouped in proportion to the taxes, the third group consisting of those persons paying the smallest taxes or none at all and the middle class of those left over. The members of the electoral college are divided equally among the three classes. It is obvious that a few heavy taxpayers have as many electors as the great mass of small taxpayers. Hence the violent agitation of the Social Democrats against this system. But as there are not so many really rich people, the deciding vote is in the middle classes, and even the Social Democrats are represented in the house by ten members. It must here be pointed out that the class having the greatest influence is really the middle class. The assignment to a certain tax class differs tremendously according to the nature of the neighborhood. In a neighborhood composed primarily of working people the rich men's class is made up of the better paid mechanics and foremen. As a counterpart to this the Chancellor of the Empire lives in a neighborhood with many rich bankers who crowd the Chancellor into the same class with his butler and valet. This three-class system exists only in Prussia and for Prussian elections.

Eligible to vote are all Prussians who have finished their twenty-fourth year and are in full possession of their rights as honorable citizens, are not recipients of public charities, and have lived in the district for six months.

Eligible to election are Prussian citizens over 30 years of age who have resided one year in Prussia.

The election period was originally three years; by a law of May 27, 1888, it was extended to five years.

Members receive traveling expenses and 15 marks ($3.65) for each day of attendance at a session.

Bills are passed by an absolute majority. The presence of a majority of all the members constitutes a quorum.

Agrarians (see also Conservatives).

Under agrarians one understands landowners, landed nobility, gentry (also called junkers) and peasants. They are the backbone of the Conservative Party and their organization is the Federation of Farmers (*Bund der Landwirte*). The junkers have lost considerably in political importance. It is erroneous to assume that all other tillers of the soil not gentry are emancipated serfs. On the contrary, in Prussia for hundreds of years the freeman or independent farmer on his own land has composed more than 60 per cent of the agricultural population. In certain sections of Germany, especially Baden, Württemberg, and the former Dittmarch Farmer Republic (*Dittmarsche Bauern Republik*), there have been no great landlords or junkers.

Antisemites.

The Antisemitic Party was the result of an attempt to popularize the Conservatives by converting a race antagonism into propaganda material. The first antisemitic member was elected in 1887; in 1890 there were five, in 1893 sixteen. The faction seldom takes active part as an independent party and figures as a faction of the Conservatives.

Antisocialistic Laws (Sozialistengesetz).

In consequence of the active propaganda and agitation of the socialists and their loud talk of "red revolution," "class war" and "class hate" from 1864 until the two attempts on the life of the aged Emperor William I by two fanatics, Höbel and Nobiling, May 11 and June 2, 1878, the Reichstag passed the "exemption laws" (*Ausnahmegesetze, Sozialistengesetz*) of October 21, 1878, to remain in force until March 31, 1881. The law was directed against the "agitation of the socialists as a public danger." It forbade clubs, assemblies, gatherings or printed matter too energetic in propaganda literature, under fine; provided for the exclusion from the community of agitators, printers, or hotel proprietors aiding and abetting the same as undesirable subjects. The law was renewed in 1881 and dropped in 1890. It did a great deal through the rigor of the enforcement to strengthen the party, but when the formative years of the party had passed under its "state of siege" the more dangerous elements, in particular the anarchistic agitators under Most and Hasselmann, had left the country, taking their centers of assassination to London and elsewhere.

Benningsen.

Rudolf von Benningsen was a statesman of high reputation and

for many years leader of the National Liberal party. He was born July 10, 1824, in Lüneburg. He studied law in Göttingen and Heidelberg and then entered the public service of the Kingdom of Hanover. In 1856 he was elected to the second chamber of the Hanover Diet from Göttingen and soon rose to the leadership of the National and Liberal opposition against the ministry in power. In 1859 he helped to found the *National Verein* and was its president. In 1866 his efforts to prevent Hanover from joining Austria were futile. After Hanover's annexation he was elected to the Prussian Diet and to the Diet of the North German Federation, later the Reichstag. The Prussian Diet repeatedly elected him president from 1873 to 1879. He labored successfully for the coöperation of his party with Bismarck and the government and in 1874 succeeded in bringing about a compromise on the military bill. In 1877 Bismarck wanted to make him Minister of the Home Office (Interior), but the plan failed because Benningsen insisted upon having two of his friends, von Forkenbeck and von Stauffenberg, appointed ministers with him. At the next general election (1883) he failed to be reelected because of the split in the party due to the tariff agitation, and retired to private life. He was elected to the Reichstag in 1887 and retained his seat until 1898. From 1888 until 1897 he was *Oberpräsident* (Provincial Governor) in Hanover with a far-reaching and beneficent influence. He died August 17, 1902, on the estate of the family Benningsen.

Bundesstaat.

A confederacy. (See German Empire.)

Bundesrat (Federal Council).

The executive and legislative power of the united states of the Empire is vested in the Bundesrat. It consists of 61 representatives of the various governments of the federation, distributed as follows: Kingdom of Prussia, 17; Kingdom of Bavaria, 6; Kingdom of Saxony, 4; Kingdom of Württemberg, 4; Grand Duchy of Baden, 3; Grand Duchy of Hesse, 3; Alsace-Lorraine, 3; Grand Duchy of Mecklenberg-Schwerin, 2; Grand Duchy of Brunswick, 2; all others, 1.

The Bundesrat is the chief executive authority of the Empire, a sort of corporate sovereign in which the sovereignty of the Empire is vested and not in the Emperor. (See under "The Kaiser," also J. H. Robinson, *The German Bundesrat,* Philadelphia, 1891.)

These representatives vote for their government, not individually. Although Prussia has a large number of votes, it is smaller in population and territory represented than the others. In practice, Prussia has followed a conciliatory policy toward the other states of the federation and has not made use of its large voting power to overrule smaller states, a policy often harshly criticized by Prussian citizens.

By amendments to the constitution 14 nays are sufficient to defeat an amendment. No amendment touching the rights of an individual state can be passed without the consent of that state.

The three votes of the Imperial Territory of Alsace-Lorraine are only counted when they vote against Prussia.

The Bundesrat may be convoked by the Kaiser, but must convene once each year or when two-thirds of the members demand it or when the Reichstag convenes. The Imperial Chancellor is the president of the Bundesrat.

The Bundesrat maintains the following standing committees: (1) For foreign affairs, (2) for army and fortification, (3) for marine affairs, (4) for tariff and taxation, (5) for commerce and trade, (6) for railroads, post and telegraph, (7) for justice, and (8) for public accounts. In each committee a Prussian member presides and four other states have each one member and one vote.

A measure to become law must pass both the Bundesrat and the Reichstag by a simple majority.

Conservatives (Deutsche Konservative Partei).

The Conservative Party in Germany, as anywhere else, is made up of those who are satisfied with their lot in the world and wish to conserve things as they are. As a matter of course, it is the well-to-do man, and in England, France and Germany usually the landed aristocracy, who is satisfied. In Germany in particular it is the landed aristocracy and gentry who form the backbone of the Conservative Party, and the party is composed in large measure of agrarians.

The Conservative Party grew out of the old Prussian Junker Party. From 1862 to 1866 it supported Bismarck, after which period an estrangement arose, because he, with universal suffrage, gave so much room to the democratic elements. Bismarck advocated protection and the Conservatives took new life and rallied behind him on the protection platform. They have been the high protectionists ever since. The year 1878 marks the close of the era of the Liberals and the beginning of a conservative-clerical domination in German party politics, with the exception of an interruption of three years due to the "cartel of 1878," a National Liberal and Conservative Bloc.

Beginning with the post-Bismarck era, after 1890, the Conservatives attempted a rejuvenation by taking into the aristocratic party elements which might work to popularize the party. Among these were the Antisemites and the Federation of the Farmers (*Bund der Landwirte*), which the Conservative-Agrarians Party has developed into a great political power. The Federation of Farmers fought the protection battles for higher duties against American agricultural products to protect the "suffering farmers" (*notleidende Landwirte*) and against threatening over-industrialization (as in England). This policy of agrarian protective tariffs served to keep great tracts of marginal productive land under cultivation and increase the intensive culture of intramarginal land, a fact which has made the German Empire almost independent of foreign food supplies if need be.

Another faction is the Free Conservatives, to which party Professor Delbrück belonged in both the Abgeordnetenhaus and the Reichstag.

Another element of Conservative support is formed by the Protestant clergy. The Conservative Party is essentially Protestant as against the Catholic Center, but the Center contains practically all the Catholics and the Conservative Party only those Protestants who are not Liberals or Socialists. This confessional distinction is of importance in the understanding of German political parties.

The first platform of 1876 contains the most important planks of the party, which are fundamental even today. Among them are "the integrity of the German Empire under strongly centralized, monarchical government, not by the mob, under universal suffrage, but by the natural organized groups of the body politic"; class particularism; for a confessional Christian public school (Protestant) as the only foundation for a healthful development; the freedom of the internal affairs. In economic affairs the party stands against the uncontrolled freedom of liberalism which ends in license and the exploitation of the economically weak by the capitalist, yet the party is antisocialistic as much as anticapitalistic. It seeks to protect legitimate industry from speculation and also to protect the workingman through laws, factory regulation, etc., from exploitation.

Another plank in the platform brought with it the expression "middle-class policy," which came to play a conspicuous part. It also advocated a regulation and reform of the stock exchange. The Tivoli program of 1892 gave the platform of the Conservative Party the form it has continued to have until today. The adjunct parties, the Christian Socialists, Antisemites, Federation of Farmers, etc., have had numerous and various platforms. The Antisemites have not succeeded in gaining the support of the Conservatives and Centers to carry their plans through, because of the impracticability of their demands and the general aversion toward legislation based on race antipathy. The Federation of Farmers, however, has been a most potent factor, not only in agrarian protection, but also in every phase of agricultural advancement. Above all it has been instrumental in arousing a feeling of patriotism, love of their own countryside, and a preference for everything in Germany. This idea of "home industry first" was transmitted to industrial circles. The writer during several years as salesman found great opposition to American agricultural machines and implements, gas engines, power plows and the like, which resulted directly from the propaganda of the Federation of Farmers. This feeling has steadily increased.

Caprivi.

George Leo Count of Caprivi, the successor of Bismarck as Imperial Chancellor, was born February 24, 1831, in Charlottenburg-Berlin. At 18 years of age he entered the army; in 1866 was in the General Staff and went through the war of 1866 as major; promoted to the rank of lieutenant colonel he served through the war

of 1870–71 as chief of staff of the tenth corps; in 1877 he became a major general, in 1882 lieutenant general, and in 1883, after the retirement of Stosch, he was made chief of the Navy Department with the rank of vice admiral. He distinguished himself in the organization of the navy and the development of the torpedo service. In 1888 there was a reorganization of the navy and he was made commander of the tenth army corps in Hanover. After Bismarck's retirement he was appointed Chancellor and Prussian Minister-President March 20, 1890. He distinguished himself particularly in 1891 by renewing the Triple Alliance and closing commercial treaties, for which services he was raised to the rank of count by the Emperor. When in 1892 the Zedlitz school bill, to which he gave his strong support, failed to pass, he resigned as Prussian Minister-President, but remained Imperial Chancellor. In 1893 he passed the army bill in the Reichstag, which reduced the service from three years to two years. He aroused such opposition on the part of the agrarians, because of a commercial treaty with Russia, that he fell further into disfavor. He retired October 26, 1894, and from that time until his death (February 6, 1899) he lived quietly on his estate in Skyren near Krossen.

Center Party (Zentrum).

With the German Union and a National German Diet, the Reichstag, the Center Party appears for the first time. The nucleus was the old Prussian Catholic faction under Reichensperger-Mallinckrodt. This faction was joined by the new South German members from Baden, Bavaria, etc., who were Catholic and anti-Prussian. This new Center Party had able leaders from the first, such as Bishop Ketteler and later Windhorst. In its membership the party is not simply clerical, but federalistic or particularistic. In the early days the feeling of solidarity was one of religion, of local particularism, and above all anti-Bismarck. After 1878 it helped Bismarck in his protection policy and thus came into the full power. It has since continued to exercise a power which makes it one of the most important political parties in the German parliament. As its name indicates the position of the seats of the members on the floor of the house, so also politically it stands in the middle of the teeter and can tip the board to one side or the other. The Center is not a majority party, but can impose its will upon parliament as long as the Social Democrats are in opposition. This position is obviously of great importance, even though negative. Such a political power might be very dangerous indeed if the party itself were different in composition, but, as Naumann points out, it is itself a parliament within a parliament. This is due to the fact that the bond of union of the members is religious and geographical rather than one of social class or of economic interests. The Center is Roman Catholic, and as large bodies of Catholics are in South Germany, Baden, Bavaria, Württemberg, and the Prussian Rhein provinces, the party is par-

ticularistic; on the other hand, the Social Democrats are workingmen, the Conservatives are agriculturists, officials or landlords, the Poles are Poles, the Guelfs are Guelfs, and so on. The result is that the Catholic Center Party is made up of all sorts and conditions of men — priests, teachers, workingmen, small tradesmen, nobility, landlords, small farmers, and all the rest. The results are several.

1. The party has an organization inherited from the Roman Church, second only to that of the Social Democrats in efficiency.

2. The party being representative of all classes must first settle all important questions within its own ranks before taking a stand for this or that measure on the floor of the house.

3. This deliberation makes the stand taken a safer one, as a rule.

4. The fact that a particularistic and South German party is the dominating party in the parliament of the German Empire counterbalances the hegemony of Prussia. It shows an absolutely false conception of the German Empire to harp on the domination of Prussia, because so long as the Center Party stands in the middle of the see-saw the political life of Germany is in a marked degree dominated by the South German and Rhein provinces.

During the seventies the Center gradually went over to protection and thus lined up on most measures with the Conservatives; that is, they lean toward the Right in many issues. For many years the three Left parties, the National Liberals, Left Liberals, and Social Democrats, divided about 150 seats (not a majority) among them, with a steady socialistic gain at the cost of the other two sections. The relation of the Left to Center, however, remained unchanged. This is why von Bülow in 1906 tried to jump over the Center and form a coalition of Conservatives, Liberals and Left Liberals. Even this did not shake the Center Party, which returned 102 members, but it lost its place at the center of the balance, because the Bloc gained half of the seats formally held by socialistic members.

The Center Party has no decided political platform, because a party held together by an established religion needs fewer " stump " speeches in the election campaign. Then also, as a middle party, it must be free to step from one side to the other as occasion arises. The Center Party has similarity to the Conservative Party in its efforts to mitigate, through protective laws for workingmen and other Christian state socialistic measures, the social wrongs arising from the uncontrolled license of liberalism. The Center Party has also become conservative, inasmuch as it has long since abandoned the anti-Bismarck ideas, and having arrived at a place of importance in the Empire has become content with its position and desirous of holding it.

Delbrück, Hans.

Dr. Hans Delbrück was born November 11, 1848, in Bergen, Island of Rügen. He studied at the Universities of Heidelberg, Greifswald and Bonn, graduating with the degree of doctor of

philosophy. He is a brother of the chemist Delbrück and cousin to the Vice-Chancellor Delbrück.

He fought in the Franco-Prussian War, 1870–1871, and won the Iron Cross. In 1874 he became the tutor of Prince Waldemar of Prussia, the third son of the Crown Prince, later Emperor Frederick I, and continued in this capacity until the death of the prince, March 27, 1879. In 1881 he habilitated as instructor of history at the Friedrich Wilhelm University at Berlin, became adjunct professor in 1885 and full professor in 1896. He was elected to the Prussian Diet for the term 1882 to 1885 and to the Reichstag from 1884 to 1890, in which legislatures he was affiliated with the Free Conservative Party. He was elected by the faculty of philosophy of the Berlin University to the office of dean for the year 1914–15.

His most important literary products are:

Leben des Feldmarschalls Grafen von Gneisenau, third edition; Georg Stilke, Berlin.

Geschichte der Kriegskunst, three volumes; Georg Stilke, Berlin.

Historische und Politische Aufsätze, second edition; Georg Stilke, Berlin.

Erinnerungen, Aufsätze und Reden, third edition, 1905; Georg Stilke, Berlin.

Numbers in History, lectures delivered before the University of London, 1913. Hodder & Stoughton, Warwick Square E. C., London.

Regierung und Volkswille; Georg Stilke, Berlin, 1913.

Bismarcks Erbe; Ullstein & Co., Berlin, 1915.

He is the editor of the monthly periodical *Preussische Jahrbücher,* Georg Stilke,[1] publisher, Berlin.

Freisinnige Partei.

The German Radical Party (*Freisinnige Volkspartei*). The Liberals in Germany were broken up into several factions, which since 1848 have frequently fused and then again subdivided. The two most important parts today are the National Liberals and the *Deutsche Freisinnige Partei,* whose members may be called Radicals.

Geheimer Rat.

The Privy Council (of Prussia).

Geheimrat (Privy Councillor).

Conferred as a title of honor much as an American university confers the degree of LL.D. The title Geheimrat is, however, not conferred by an institution, but by the sovereign. Every university professor or public official receives the title in the course of his career, if his career is normal. As some one said, it only means something when a public man does not get it. It means that he has ceased to advance, much the same as in the army when an officer gets to be a major or colonel and stops there while other comrades of

[1] Note. His "World History" on a new basis in three volumes is in preparation; the first volume will appear November, 1923.

his class become brigadiers. The title Geheimrat carries considerable dignity with it.

German Empire.

A confederacy of 26 states founded January 18, 1871, with the King of Prussia as German Emperor (not Emperor of Germany). The similarity among the three types of federated states, Switzerland, the United States of America, and the German Empire, is marked. In all three countries the individual states under the constitution have far-reaching residuary rights.

The German Empire is composed of the following 26 federated states. (To facilitate reference the historical dates and ruling house are given.)

The Kingdom of Prussia. — In 1411 Frederick of Hohenzollern came to Brandenburg; in 1701 Brandenburg and Prussia united in the Kingdom of Prussia. William II of Hohenzollern king since 1888.

The Kingdom of Bavaria. — Ancient hereditary duchy; since 1180 under the Wittelsbachs; electorate since 1623; kingdom since 1806. Prince Ludwig regent 1912 and 1913; in 1913 he became King Ludwig III.

The Kingdom of Saxony. — Since 1089 under the house of Wettin. This family was formerly Markgrafen of Meissen, but acquired the electorate of Saxon-Wittenberg upon the extinction of the Askanians 1423. Since 1806 a kingdom; King Albert, 1876–1902, followed by his nephew George I, 1902–1904, by his son Frederick August III, king since 1904.

Kingdom of Württemberg. — Under counts from 1134 to 1495, when it became a duchy, and in 1806 a kingdom. King Charles I, 1864–1891, succeeded by the son of his cousin who, as King William II, has ruled since 1891.

The Grand Duchy of Baden. — Since 1052 under the House of Zähringen; margraves until 1806, when it became a grand duchy Grand Duke Frederick I, 1852–1907, succeeded by his son as Grand Duke Frederick II since 1907.

The Grand Duchy of Hesse. — From 1247 under the Prince of Brabant; grand duchy since 1806. Since 1902 Grand Duke Ernest Louis (Ernst Ludwig).

The Two Grand Duchies of Mecklenburg. — The house of the Wendisch Prince Niklot (1701) divided into the lines, Schwerin and Strelitz, both grand duchies since 1815. In Mecklenburg-Schwerin, Grand Duke Frederick Francis IV since 1897. In Mecklenburg-Strelitz, Grand Duke Adolphus Frederick since 1904.

The Grand Duchy of Oldenburg. — A grand duchy since 1815. Grand Duke Frederick Augustus since 1900.

The Grand Duchy of Saxe-Weimar. — A grand duchy since 1815. Grand Duke William Ernest, of the Ernestine line of the House of Wittin, since 1901.

The Duchy of Saxe-Altenburg. — Duke Ernest II, 1908.

The Duchy of Saxe-Coburg-Gotha. — Duke Charles Eduard, 1900.
The Duchy of Saxe-Meinigen. — Duke George II since 1866. (All three above rulers from the house of Wettin.)
The Duchy of Anhalt. — Duke Frederick II (House of Askania) since 1904.
The Duchy of Brunswick. — Until 1884 under the Guelfs; then under the regent of John Albrecht until 1913; since 1913 under Duke Ernest Augustus, grandson of the last King of Hanover, and married to Victoria Louise, the only daughter of Emperor William II.
The Two Principalities of Schwarzburg Rudolstadt and Schwarzburg Sondershausen. — United since 1909. The reigning prince is Fürst Günther of Schwarzburg-Rudolstadt since 1890.
The Two Principalities of Reuss (Younger Line) in Gera and *Reuss (Elder Line)* in Greiz. Prince Heinrich XXVII (younger line) since 1913 and also regent in Greiz.
The Principality of Lippe (Detmold). — Prince Leopold IV since 1904.
The Principality of Schaumburg-Lippe. — Prince Adolphus since 1911.
The Principality of Waldeck. — From 1868 to 1893 under Prussian regency; since 1893 Prince Frederick.
The Three Hansa Towns of Hamburg, Bremen, and Lübeck. — Republics governed by a sovereign senate and a commons.
The Imperial Territory of Alsace-Lorraine (1871). — Since 1911 admitted to the Union. Von Delbrück governor or lord lieutenant.

Government Organization (Die Regierung).

The activity which strives to attain the public welfare and the prosperity of the state. The government of the state in general is the political government (Fr. *gouvernement politique*) as distinguished from the administration of the internal affairs of the state. To facilitate the operation of the machinery of administration of internal affairs in Prussia the kingdom is divided into *Provincen, Regierungsbezirke* and *Kreise,* governmental departments and districts under an *Oberpräsident, Regierungspräsident* and *Landrat,* respectively. Bavaria is also so divided. Württemberg is divided into *Kreisregierungen* under *Direktoren.* In all cases the government official is assisted by elected representatives of the people, *Beigeordnete* or aldermen, and also by *Regierungsräte,* doctors of law who have entered the governmental service as a career and are advanced from grade to grade. (See also "Regierungsrat.")

Generalsuperintendent.

The highest church official of a land or province. The clergymen of the various diocese of a governmental department are under the administration of a superintendent, a state official and a sort of presiding elder, who in turn is under the *Generalsuperintendent.*

Government (American sense).

When in America we say "government" we mean, according to

the Constitution of the United States of America, the three departments of the federal government, legislative, executive, judicial, and all those departments embraced. The federal government at Washington is the President, Cabinet Ministers, Senate, House, Supreme Court, and all the bureaus. "Government" in the American sense means the entire machinery for running the public business of the country.

Government (British sense).

In England when one speaks of "the government" he means the particular political party which has a majority in the House of Commons, the Prime Minister supported by this majority, and the ministers and secretaries associated with him. When in England one speaks of "a change of government" or "a new government" it means that a new majority has put up a new Prime Minister and ministry. The King and the Lords are not a part of "the government."

Government (German sense).

In Germany when one speaks of "die Regierung" there is yet a third combination of forces. The political parties or the majority in the Reichstag are not "the government." When they themselves speak of "die Regierung" they mean the Federal Council, the Emperor, the Imperial Chancellor, and the appointed ministers — all the machinery for governing the country. The bureaus and also the railroads belong to the government but are not a part of it. With such far-reaching differences in the conception of "the government" in the three countries it is necessary to keep the distinction clearly in mind, if confusion is to be avoided.

Albert Hänel.

One of the leaders of the Radicals (*Freisinnige*). He was born June 10, 1833, in Leipzig, the son of a professor of medicine at the university. He became instructor of Germanics at the Leipzig University in 1858, adjunct (*ausserordentlicher*) professor in Königsberg in 1860, full professor in 1862. A year later he was called to the university in Kiel. Here he affiliated himself with the Schleswig-Holstein National Party. After the annexation of Schleswig-Holstein in 1866 he was one of the founders of the Liberal Party, which returned him to both the Reichstag of the North German Federation and the Prussian Diet. In 1874 he was elected Vice President of the Reichstag and in 1876 also Vice President of the Prussian Diet, which position carried with it the leadership in his party, the German Radicals (*Deutsch-Freisinnige*), formerly the Progressives (*Fortschritts Partei*). When the Progressive Party split in 1893 he went with the Radical Union (*Freisinnige Vereinigung*), but was defeated for reelection in 1893. He had lost his seat in the Prussian Diet in 1888. From 1898 until 1903 he again belonged to the Reichstag. Hänel was the author of various works of scientific and political nature.

Das Herrenhaus.

The House of Lords of the Prussian legislature. According to the royal edict of October 12, 1854, the Herrenhaus consists of (1) the adult princes of the royal house, (2) the hereditary lords, (3) the lords or members appointed for life. All members must be 30 years of age and residents of Prussia. Those having hereditary membership are the heads of the Hohenzollern families, the heads of the noble families of the land, and those persons upon whom the King has conferred such hereditary titles. Members for life are the incumbents of the four high offices of the land, *Oberburggraf, Obermarschall, Landhofmeister* and *Kanzler* and those persons appointed by communities which have had the so-called right of presentation (*Präsentationsrecht*). These groups, each of which has one representative in the Herrenhaus, are:

(1) The chapters of Brandenburg, Merseburg, and Naumberg.
(2) All the counts owning estates of a province.
(3) A group of families having large landed estates. At present these are the families Alvensleben, Arnim, Below, Bonin, Bredow, Bülow, Grëben, Kleist, the counts of Königsmark, Osten, Schulenburg, Schwerin, Wedel, the Pommeranian Puttkammers and the Zitzewitze.
(4) The organization of the landed estates who have been in possession for more than 50 years and have secured the succession in the male line by special laws (*Fidei Commisse*).
(5) The universities of the land, Berlin, Bonn, Breslau, Göttingen, Greifswald, Halle, Kiel, Königsberg, Marburg, and Münster.
(6) The magistrates of the large cities, at present 50 in number.

Members receive no remuneration except free transportation. The chamber passes its resolutions by a simple majority; 60 members make a quorum.

From the composition of the Herrenhaus it is apparent that the King is able to exert a strong influence and maintain a majority, if need be, by the creation of new peers, even more than is the case in England, because they are hereditary.

Hakatists.

Originally a society for the Germanization of the East Provinces, but now used for nationalists in general.

Herman might live in his grandsons (Damit Hermann in seinen Enkeln lebe).

Herman, the hero of the victory of the Germans over the Romans at Teuteburger Forest, is the symbol of Germanic prowess and love of freedom which it is hoped will always live in his descendants, the Germans of today.

Imperial Party (Reichspartei).

A party subsidiary to the Conservatives with moderate liberal tendencies.

The Kaiser.

The King of Prussia, according to the federal constitution, is the

official representative of the federal states and in this capacity receives the title "the German Emperor" (*der deutsche Kaiser*), not "Emperor of Germany," as is so often incorrectly stated. He is given authority to represent the Empire in international affairs, to declare war with the consent of the Federal Council, except in case of an invasion, in which case this consent is not required. He may make treaties with foreign countries, but in all cases enumerated in article 404 of the constitution the consent of the Federal Council (Bundesrat) and the Reichstag is required.

The Kaiser appoints ambassadors, ministers and plenipotentiaries abroad and receives the same from foreign rulers. This diplomatic service is for the Empire and does not prevent the states of the Empire from exchanging ministers or other diplomats among their own courts. Prussia has ministers at the courts of many of the other states, the Hansa towns, the Vatican, etc.

The Kaiser has no legislative powers (except an indirect influence in the Bundesrat) and is solely the chief executive, whose duty it is to see that the laws of the land are carried out, even if they do not meet with his personal approval. The Kaiser as first executive of the Empire is also commander-in-chief of the entire military and naval forces of the Empire in a capacity similar to that of the President of the United States, who under the Constitution is commander-in-chief of the army and navy.

The Kaiser convokes the Bundesrat and Reichstag, appoints the Imperial Chancellor and other ministers of state and has the right of pardon.

In his capacity as first official of the Empire the Kaiser receives no remuneration whatsoever, not even traveling expenses. His expenses are met from his yearly allowance from the Prussian government as King of Prussia, 17,000,000 marks ($4,000,000), and from his own estates. From this he must support the entire royal household and those of the royal princes, the royal opera and theater, many eleemosynary foundations, all traveling expenses by land and water, and all official social functions, as well as gifts and decorations to his own citizens or foreign visitors.

Kultus Ministerium.

The Ministry for (Culture) Education and Religion is a department of the government for Prussia. Under this department come all sorts of educational institutions; and also the state evangelical church and a supervision and control over the Catholic Church. It is due to the excellent work of this department that the uniformly high standards of university entrance and graduation requirements are maintained.

Kreis: Wahlkreis.

An election district for the Reichstag corresponding to a congressional district, 397 in number.

Kreis.

A county or subdivision of a *Regierungsbezirk* or governmental district under a *Landrat*. The *Landrat* (district administrator), in his capacity of first officer of the district or county, is the head of affairs of the town and country, and also a representative of the government. The *Landrat*, who has passed through various lesser offices, is directly under the *Regierungspräsident* of the governmental district of which his county is a part. Towns of more than 20,000 inhabitants may be formed into a city district and removed officially from the government of the county. In all cases the *Landrat* is assisted by an elected assembly, the *Kreis-Ausschuss*.

Landrat.

The district administrator of a *Kreis* ranking with the *Regierungsrat* and below *Regierungspräsident*. See "Government organization," also "Kreis."

Landtag Diet.

Consists of *Abgeordnetenhaus* and *Herrenhaus*. The Bavarian Diet was first convoked in 1819, Württemberg Diet in 1820, Saxon Diet in 1833, Prussian Diet in 1850.

The Prussian Diet or Legislature is bicameral, consisting of the *Herrenhaus* and *Abgeordnetenhaus*, or Lords and Commons. The King of Prussia assembles and adjourns the legislature. The chambers convene and transact their business separately. The King may dissolve the legislature (affects only the lower house), in which case new elections must take place within 60 days and the convocation of the new assembly within 90 days.

The members of both houses swear fidelity to the King and to the constitution. They represent all the people, but are free to act according to their own conscience, without being bound to instructions from their constituents. The members cannot be held liable outside of the chambers for any acts or utterances in session, aside from the discipline of the chamber exercised by the chair. Cabinet ministers have admission to the sessions and must be accorded a hearing; also they must appear when summoned by the chamber. All sessions are public and a stenographic record is made, which appears in printed form and is open to public perusal.

Liebknecht, Wilhelm.

Born March 26, 1826, in Giessen; died August 7, 1900, in Charlottenburg. With Bebel he was a leader of the Social Democratic Party.

The Left.

See "Political Parties"; also "National Liberals" and "Radicals."

Ministerialdirektor.

An under-secretary, a chief of bureau or department. The cabinet ministers may come and they may go, but a good bureau chief stays on. The same institution exists in every government organization of importance, and without these under-secretaries the governmental machinery would go to pieces under the frequent changes in the

cabinets. In the State Department the chief of the Consular Service and the Second Assistant Secretary of State have been there for years and have accumulated a wealth of experience and stored their minds with precedents; these men are able to say to the Secretary of State or to the President himself, "Ten years ago with such and such a nation there arose a situation similar to the one we are now considering and it was settled by writing such and such a note." These are in the unheralded rulers of any country. A ministerial-director is such a bureau chief.

Miquel.

Johannes von Miquel (pronounced Mekel), the German statesman, was born in Neuenhausen, Hanover, February 19, 1828. He studied law at Heidelberg and Göttingen and after graduation practiced law in Göttingen. In 1864 he was elected to the Lower Chamber in Hanover, where he came to have considerable influence because of his knowledge of finance. In 1865 he became burgomaster of Osnabrück and as *Landrat* a member of the provincial assembly of Osnabrück. In 1867 he was elected by the National Liberal Party to the Prussian Diet and to the Reichstag, where he soon arose to prominence, especially in the discussions concerning the reform in the government administration. He was chairman of the committee on justice which worked out the new bill for judicial reform of December 31, 1876, for which he was sponsor on the floor of the Reichstag. In 1876 he was reelected as burgomaster of Osnabrück. The Berlin University conferred on him the honorary degree of Doctor of Laws the same year. In 1879 Miquel was elected *Oberbürgermeister,* or first burgomaster, of Frankfort on the Main. Re-elected to the Reichstag, 1887–1890, he became with Benningsen a leader of the National Liberal Party and was elected to the position of second vice president (second vice-speaker) of the Herrenhaus. In 1890 he was made Prussian Minister of Finance and in this capacity introduced into Prussia a reform in direct taxation, characterized by the self-declaration of income.

In 1897 he was knighted and made vice president of the Prussian Ministry of State. On May 5, 1901, he asked to be retired and returned to live in Frankfort until his death, September 8 of the same year.

National Liberals (National-Liberalen).

In 1866 with the fall of the Progressives (*Fortschrit Partei*) there arose a new party, the National Liberals, which for many years held a dominating position. This new party was the normal expression of the past *Königgrätz* spirit, the expression of the hope of a united Germany with Bismarck's aid under the hegemony of Prussia. Through the annexation of Hanover the Diet gained two members of great talent, Benningsen and Miquel, who became the leaders of the new party. It was a party of all classes — nobles, gentry, small farmers, craftsmen, workingmen, professors (such as Treitschke),

all working to support Bismarck and the idea of national union. In one point the National Liberals and Bismarck were at odds; the National Liberals wanted a responsible parliamentary ministry. The early years of the new party were full of work. The National Liberals were the law makers of the North German Federation and later of the German Empire. They aided in the adaptation of the First Constitution of Frankfurt of 1848, with its universal suffrage, to the new constitution. They formulated the law of codes for commerce, trade, justice and administration, all within a period of a short decade. This was the party of all Germans who believed in German union; the others were "enemies of the Empire." Bismarck used this party until he felt that the danger was great, that he or the party would become too dependent. On the rock of protection the party which founded the Empire was broken to pieces, and Benningsen in 1881 had only 45 members behind him as against the 150 of a few years previous. The rising Conservative Party took 29 seats out of the wreck. The National Liberal Party went to pieces because new problems and ideals had arisen and new problems confronted the German people. The year 1878, when the new German Empire went over to protective tariff, marks the beginning of the new era for all the parties.

The first party platform of the National Liberals is much the same as the tenants of the Frankfurt and Berlin conventions of 1848 and the first party of the Prussian Constitution of 1850. "All Prussians are equal before the law; no class privileges, public offices open to all who can fill the specified requirements; personal freedom is guaranteed; private dwellings are inviolate; no imprisonment without trial; freedom of religious belief and free association for religious worship; the enjoyment of the rights of citizenship is free from religious confession; science and teaching is free." These rights of man, the freedom of the individual, the non-interference on the part of the state, are the foundation of liberalism everywhere.

The Liberal Party has long since abandoned the idea of extreme individualism and, progressing with the age of association from trusts to trade unions, now demands the furtherance of the prosperity of all the people along the lines of existing social institutions. This is in contradistinction to the socialistic demands of an entirely new social organization. The two parties for this reason did not understand each other for years, but both parties have progressed towards each other. The Socialists have abandoned the revolutionary talk and the Liberals have outlived the extreme individualism. Both have become progressive parties of the people under the sign of association and mutual self help.

Oberpräsident.

In Prussia this is the highest state official of a province in contradistinction to the highest communal officials of the local government. *Oberpräsident* is the next officer above the *Regierungspräsident,* who is the head of a government department. He represents the central

government in the local legislature. An *Oberpräsident* occupies very much the same position as a viceroy or territorial governor, or lord lieutenant, but as the municipalities and provinces have local self-government, his activities are to a large degree limited and are advisory and mediary. Nevertheless the position is one of high honor and distinction and gives a man of political and executive ability a large opportunity to show his talents.

Old Liberals (Altliberalen).

See "National Liberals."

Political Parties in Germany.

The history of political parties in Germany commences in 1848, the year in which representatives from all over Germany met in the Paulskirche in Frankfurt-on-the-Main to form a constitution for a united Germany. Prior to that time the Diets of Württemberg, Bavaria, and most of the smaller states were roughly divided into three groups, the Right or Aristocratic Conservatives, the Left or Democratic Progressives, and a group in the center which leaned one way or the other as occasion arose. The men who met in the Paulskirche represented the idealists, the philosophical tendency of the German people of the Wars of Liberation, imbued with the spirit of Fichte and Schleiermacher. They left, as a result of their work in the Paulskirche, a constitution which mellowed and ripened on a shelf until Bismarck brought it forth and dressed it to fit the North German Federation of 1867 and the German Empire in 1871. The main party divisions of 1848 were Prussian friendly or Austrian friendly.

In the same year, 1848, another national assembly convened in Berlin. This assembly also fell roughly into two parties, Royalists (the word conservative came into use later) and Democrats. Bismarck and Manteuffel were Royalist leaders, Waldeck and Jacoby prominent Democrats. Between the two was a Center Party which was not Catholic clerical at that time.

This party grouping passed from the Berlin National Assembly of 1848 into the Prussian Diet formed in 1850, and in this Prussian Diet between 1850 and 1866 developed the political parties which after 1871 took on the modern form in the Reichstag, the Parliament of the German Empire. The nature and history of these parties as they exist today is presented in this glossary under the name of the particular party in question.

Neumann divides the party history of the Prussian Diet between 1850 and 1866 into two periods, the quiet period until the retirement of King Frederick William IV in 1861 and the active period beginning with the accession of William I (1861) and the appointment of Otto von Bismarck as *Ministerpräsident* in September, 1862. During the quiet period the differences of political opinion showed in cliques which took their names from the leaders or the regular clique meeting places. The Prussian Diet of 1855 consisted of the follow-

ing factions: Faction Count Schlieffen, 24 seats; von Arnim, 64; at "Tietz," 20; von Patow (Liberals), 40; von Vinke, 18; von Bethmann-Hollweg, 33; Reichensperger-Mallincrodt (Catholic Clerical), 53; the Poles, 11; and unaffiliated, 69.

This grouping around strong leaders was a matter of expediency and natural inclination. The members were not elected by their constituents to such and such a faction representing a particular platform, because the constituents elected the man for himself and left him to his own judgment.

By the close of the first decade of the Prussian Diet the liberal ideas from France and England had quite thoroughly pervaded political thought in Germany, and the idea became generally paramount that the representatives of the people must really represent the people and have a positive influence on the government; also that a popular assembly has power only to the degree that the will of the people is back of it. The test came with the army reform and the question of the three years' military service, with King William and Bismarck on one side and the people's representatives on the other. This controversy was the longest and most violent in Prussian parliamentary history, and in the crucible of this wild, hot contest were formed the first national political parties. During this contest developed the necessity of convincing the constituents of the merits of the party platform and the "stump speech" came into practice.

A new epoch in the national political parties came with the protective tariff of 1878. During the eighties the great movement was no longer for national union but for national protection against commercial and military aggression from without. The party strife came to revolve about two poles, "tariff" and "socialism." Out of this grew the new parties.

Prussian Diet.

See "Landtag."

The Poles (die Polen).

The representatives from Prussian Polen who form an intransigent group in the Reichstag and in the Prussian Diet. They are for the Poles and "agin" the government.

Regierungspräsident.

A district governor, the head of a *Regierungsbezirk,* one of the large departments of a province, divided again into *Kreise* (see "Kreis"). The position of *Regierungspräsident* is one of great authority and dignity in the German service.

Regierungsrat.

A higher member of the governmental hierarchy of a district (*Kreis*) or department (*Regierungsbezirk*). In Bavaria the title is often conferred as a mark of distinction. *Oberregierungsrat* and *Geheimer Oberregierungsrat* are higher ranks of the same service. (See "Government organization.")

MEMBERSHIP OF THE REICHSTAG BY PARTIES FROM 1871 TO 1912*

(Data from 1871 to 1881 from Naumann; from 1884 to 1912 from Statistisches Jahrbuch des Deutschen Reichs, 1914, page 343.)

	Parties	1871	1874	1877	1878	1881	1884	1887	1890	1893	1898	1903	1907	1912
	Unaffiliated	28	8	11	13	7	..	2	2	1	7	3	2	..
	Guelfs (Welfen)	21	33	28	35	43	11	4	11	7	9	6	1	5
	Danes (Dänen)						1	1	1	1	1	1	1	1
	Alsatians (Elsässer)						15	15	10	8	10	9	7	9
	Bavarian Farmers (Bayerischer Bauernbund)						..	..	..	4	5	1	2	..
The Right	Antisemites (Antisemiten)	..	..	..	..	..	..	1	5	16	13	16	16	..
The Right	Federation of Farmers (Bund der Landwirte)	..	..	..	..	..	..	..	..	..	6	8	2	..
The Right	Conservatives (Deutsch Konservativen)	54	21	40	59	50	78	80	73	72	56	54	60	43
The Right	Free Conservatives (Frei Konservativen)	38	33	38	56	28	28	41	20	28	23	21	24	14
The Right	German Imperial Party (Deutsche Reichspartei)													
The Center	Poles (Polen)	..	..	..	..	..	16	13	16	19	14	16	20	18
The Center	Centrists (Zentrum)	58	91	93	93	98	99	98	106	96	102	100	105	91
The Center	Economic Association (Wirtschlaftliche Vereingung)	..	..	..	..	..	..	..	..	..	..	5	10	..
The Left	National Liberals (National Liberalen)	150	152	127	98	45	51	99	42	53	46	51	54	45
The Left — Radicals	German Radicals (Deutsch Freisinnige)	47	50	48	34	114	67	32	66	13	12	9	14	42
The Left — Radicals	Radical People's Party (Freisinnige Volkspartei)									..	..	..	..	
The Left — Radicals	Radical Union (Freisinnige Verein)									24	29	21	28	
The Left — Radicals	Progressive People's Party (Fortschriftlige Volkspartei)						..	..	..	..	..	..	..	
The Left — Radicals	German People's Party (Deutsche Volkspartei)						7	..	10	11	8	6	7	
The Left	Deutsche Reform Partei (?)	..	..	..	..	..	..	..	..	..	..	..	3	..
The Left	Social Democrats (Sozial Demokraten)	1	19	12	9	12	24	11	35	44	56	81	43	110

* See page 176 for composition of Reichstag as of April, 1922.

Der Reichskanzler (The Chancellor of the Empire).

A. The Reichskanzler is at the head of the entire government administration and is the responsible minister. In this capacity he must countersign all laws, orders and degrees with the Kaiser and with him assumes responsibility for them. He introduces recommendation for bills in the Reichstag in the Emperor's name and is also president of the Bundesrat. The Chancellor is appointed by the Kaiser. He is at the same time the *Ministerpräsident* (president of the ministry) of the Kingdom of Prussia in order to insure coöperation between Prussia and the Empire.

According to a law of March 7, 1878, secretaries of state may be appointed to relieve the Chancellor and act as his direct representative as head of the various departments of the Government. The business affairs of the Chancellor are centralized in a bureau, the *Reichskanzlei,* with an under-secretary of state at its head.

B. *Administrative departments of the Government of the Empire.* All departments of the Government have as their heads delegated representatives of the Chancellor. As the complication and extent of the affairs of state have increased new departments have been added. There is considerable similarity between the departments of the Imperial German Government and the Chancellor on one hand and the members of the Cabinet and the President of the United States. In both cases there is no direct provision made in the constitution for such offices and departments, but the constitution provides for such assistants as the Chancellor or President sees fit to appoint. The Chancellor has the following departments to assist him in the administration of the Government.

1. *The Foreign Office* (*Austwärtigeamt*).
   (a) Department for Foreign Affairs,
   (b) Department for Commerce and Consular Service,
   (c) Department of Justice.

This office is situated in the Wilhelmstrasse and is often referred to by the name of the street, just as one speaks of "Downing Street" or "Washington."

2. *The Colonial Office* (*Reichskolonialamt*). Until 1907 a part of the Foreign Office. This department also has command of the military forces in the colonies.

3. *Office for the Interior* (*Reichsamt des Innern*) for all departments not otherwise provided for. It is divided into four bureaus:
   (a) For affairs of the Reichstag, citizenship, police, army, and navy.
   (b) For the poor, insurance, stock companies, trade unions, workingmen's insurance, trades, and coöperative societies.
   (c) For health and veterinary affairs, copyrights, waterways, and emigration.
   (d) For commerce and trade.

Under the office for the Interior are collected many special services such as:

The School Commission,
The Statistical Office,
The Department for Technik and Physics (experimental stations),
The Department for the control of private insurance (companies),
The Department of Insurance (accident, invalid, and old-age insurance),
The Patent Office,
The Stock Exchange Committee,
The Commission of Weights and Measures (*Normalaichung-Kommission*),
The Canal Office in Kiel,
The Technical Commission for Marine Commerce,
The Biological Institute for Agriculture and Forests.

4. *Navy Office* (*Reichsmarineamt*).
5. *The Treasury* (*Reichsschatzamt*).
6. Office of Justice (*Reichsjustizamt*).
7. Post Office (*Reichspostamt*).

In addition to the departments the following organizations are under personal directions of the Chancellor himself:

(a) The Commission of National Debts (*Reichsschuldkommission*), consisting of six members from the Reichstag.
(b) The Department of National Accounts (*Der Rechnungshof des Deutschen Reichs*).
(c) The Administration of the Pension Fund of the Empire (*Verwaltung des Reichsinvalidenfonds*).
(d) Office for the Administration of the Imperial Railroads in Alsace-Lorraine. (Other railroads are the property of the individual states and administered by them.)
(e) The National Bank Directorate (*Reichsbankdirektorium*).

The military affairs of the Empire are conducted through the Prussian Ministry of War (*Kriegsministerium.*)

Thus it is apparent that the Imperial Chancellor is a large part of "the Government."

Der Reichstag (Imperial German Diet).

The Reichstag is the popular assembly representing the entire German people, who through it participate in the government of the Empire. The Bundesrat, in contrast, does not represent the people, but the governments of the federated states of the Empire. The Reichstag consists of 397 members. At the time the constitution was adopted each member represented an electoral district of 100,000 persons, but owing to the growth of large industrial centers this division of election districts has become unequal. Of these 397 members, 236 fall to Prussia, 48 to Bavaria, 23 to Saxony, 17 to Württemberg, 14 to Baden, 9 to Hesse, 6 to Mecklenburg-Schwerin, 4 to Saxe-Weimar; Hamburg and Oldenburg 3 each, Meiningen and

Coburg-Gotha 2 each, and all the rest 1 each. Since 1874 Alsace-Lorraine has had 15 members in the Reichstag.

Election to the Reichstag takes place every five years on an election day designated by the Kaiser for all the Empire. The polls are open from 10 A.M. to 7 P.M. The balloting is secret on regular printed ballots under the auspices of a committee of watchers. No speeches or agitation is allowed within the room of the polling. Prior to the election day all entitled to vote are registered in lists which are open to public inspection. All male adults 25 years of age are entitled to vote, except recipients of public charity, those who are going through bankruptcy, are serving under the colors, or are under sentence. Eligible to election are all who fill the above requirements, are over 30 years and have been residents of one of the federal states of the Empire for at least one year. The results of the election are ascertained by the committee in charge of the precincts. An absolute majority is required to elect a candidate. It often happens that the votes are split among several parties and that no candidate has an absolute majority. In such cases a second ballot must be taken under the same conditions as the first ballot, with the exception that only the two candidates standing highest at the first ballot are eligible. (Stichwahl.)

Membership of the Reichstag was formerly a purely honorary office and the member received no compensation whatsoever (art. 32, Constitution), but according to a law of May 21, 1906, a member receives 3,000 marks ($740) a year for expenses, and is docked 20 marks ($5) for every day not in attendance at a regular session. The members also have free transportation on the state railroads beginning eight days before its opening until eight days after the closing of each Reichstag period. During the Reichstag period no member may be sued or proceeded against in court or called as a witness and is at no time liable for acts or utterances on the floor of the Reichstag except under the disciplinary measures of rules made by the house. The president of the Reichstag and two vice presidents are elected by the house from among its members.

The Reichstag has the following rights and privileges:

1. Participation in legislation and the initiative in the same.

2. Participation in the administration of public finance. The annual budget prepared by the Chancellor of the Empire and the Ministry and the issue of public loans must be submitted to the Reichstag for approval.

3. In foreign affairs the Reichstag must approve all trade and commercial treaties.

4. The Reichstag may receive the petitions and may call the members of the Government to answer questions (*interpellation*). It has the privilege of petition to the Kaiser.

The sessions are public and the stenographic records open to public perusal.

Radicals.

See "Freisinnige."

Social Democrats (Sozialdemokraten).

The second large party of today, which first appeared in the new Reichstag of 1871 along with the Catholic Center, is the Social Democratic Party. The new party brought a new element into party politics, i.e., organized agitation. The center of gravity is shifted from the elected member himself to the party which elects him to represent the established party platform. Marx's battle cry of "Class war" and the marvellous inherent ability of the German people to voluntarily organize under firm discipline and centralized leadership has been demonstrated from the start by the Social Democrats. This solidarity, coupled with organization and discipline, has carried this party to the position of influence it occupies in political and economic life. In the seventies and eighties the Social Democrats had only 9 or 12 seats in the Reichstag, yet they caused a frightful furor. Why? Because both the Socialists and the conservative elements under Bismarck believed in the social revolution. Today (1915) no one except a few of the old guard believes in the attainment of the socialistic state through revolution, and the coming reconstruction, judging by all present conditions, will find a new Social Democratic Party on the one hand and on the other a different attitude toward it on the part of the rest of the body politic. However, only by keeping in mind that in the early years of this party, when Bismarck so ruthlessly persecuted the socialists, both parties believed that socialism meant street fighting and gutters flowing with blood; that the progress of socialism in the end meant throwing King, Kaiser and Ministry onto the junk heap, Bismarck, on the other hand, and Kaiser Wilhelm himself, in 1881, encouraged the ideas of the Christian state, of state socialism, with the many labor protection and insurance laws as a result.

Bismarck used the red revolution bugaboo to keep up the anti-socialistic laws and persecutions for twelve long years and at the same time introduced social reforms. When the young Emperor, William II, came to the throne he brought a different point of view. He considered the antisocialistic law unnecessary. The elections of 1890 turned on this law. Bismarck lost his majority of 220 supporters and emerged with only 135 seats, which sealed his political fate and, supported neither by a majority nor the sovereign, his long career was closed. From the fall of the antisocialist laws dates the middle period of the Social Democratic Party in Germany. The twelve years of persecution had given it that discipline, organization and solidarity, that spirit of suffering for a common cause, which carried it to a victory of 110 seats in 1912 and has made it today the most powerful political organization in Germany.

The Social Democratic program of 1869 said: "The Social Democratic Party endeavors to attain for every workman the full value

of the product of his labor by abolishing the present means of production and substituting coöperation."

In 1875, when the followers of Marx and Lasalle joined forces, the party platform said: "We strive to break the iron wage laws by abolishing the wage system, preventing exploitation in every form, and by abolishing all social and political inequalities, the establishment of socialistic production societies with state aid and under the democratic control of the people."

The last program of the party, the Erfurt program of 1891, says: "We strive to change the capitalistic ownership of land, mines, raw materials, tools, machines, the means of transportation and the means of production to ownership and administration by society."

Within the last few years the coöperative societies (*Genossenschaften*) have developed to such a degree that the social state, peacefully, without revolution, seems well on the way to realization. The socialization of the means of production in its present practical forms is growing out of social consumption. All this is being met from the other side by the tendency of modern economic life to combine and to come under state control. After the war the new party will surely go a step further, forget about "revolution," and uniting with other liberals of the Left hasten the new democracy in Germany.

Social Policy (Sozialpolitik).

All the laws for the protection of the economic weak, accident, sick and old-age insurance, maternity protection and insurance, child and woman labor regulations, factory inspections, dwelling house and building regulations, etc., enacted in Germany by the towns, states or the Empire, aim at the general welfare of all the citizens by preventing the strong from oppressing the weak. As an academic question the social policy has to do primarily with the scientific investigation of labor problems. The academic movement dates from the foundation of the *Verein für sozialpolitik* in Erfurt, 1872. As the leaders, Adolf Wagner, Lujo Bretano, von Schmoller and others were professors, they were dubbed chair socialists (*Katheder-Sozialisten*). The Society of Social Policy has been a great influence in public life and government. The entire movement is one of practical sociology.

State.

1. A governmental unit, a commonwealth, kingdom, duchy or other member of a confederation, such as Bavaria, Virginia, Hessen, Kentucky.

2. "The state" in the abstract meaning; a governmental and political unit, a power. We say "Affairs of state," the state Department; "Thou, too, sail on, O Ship of State"; or as Louis XIV said, "L'état c'est moi," "I am the state."

Stein-Hardenberg Reform.

See "von Stein."

Von Stein.

Friedrich Karl Freiherr (Baron) von Stein was born October 26, 1757, in Nassau on the Lahn, of ancient lineage. He studied law 1773–1777 in Göttingen. After graduation he entered the civil service in Wetzlar, then traveled extensively in Europe and, against the traditions of the family, finally entered the civil service of the King of Prussia. He was active in the state mines for many years. In 1804 he was called to Berlin as minister for tariffs, duties, salt factories and mercantile affairs. He failed in moving the King to more progressive measures of economic reform and was dismissed in 1807. After the peace of Tilsit (July, 1807) he was recalled and assigned the duty of reorganizing the kingdom. His idea was to give all people participation in the government and thus break down class distinctions in favor of a broader body of citizens. He carried this plan through by what are now known as the Stein-Hardenberg laws, because they were added to and executed by his successor Hardenberg. The edict of October 9, 1807, gave all the Prussian peasants, bound to the soil by feudal ties, personal freedom and legal possession of their property. This had already been granted to the peasants on state land (*Domäne*) and concerned about 40 per cent of the agricultural population, the remainder having always been free farmers. Von Stein's town ordinances (*Städte-Ordnung*) of November 19, 1808, gave to all towns municipal self-government, and these laws, completed in 1831, are the foundation of the municipal autonomy of today, which has gone so far toward making German cities the most advanced in municipal government. Along with liberalism, equality, personal freedom and local self-government, von Stein also recognized a citizen's duty to the state and introduced general military service, which was carried out and organized by Scharnhorst. A letter in which von Stein expressed his hope for liberation from Napoleon was intercepted and von Stein resigned in 1808 and shortly after was banished. He went to Austria and in 1812 to Russia as a councillor of Alexander I, whom he accompanied to Paris and Vienna. After the congresses he retired to private life and devoted his last years to historical pursuits on his estate in Nassau. He was a member of the Westphalian Diet in 1823. He died June 29, 1831, at Kappenberg, in Westphalia, the last of his line, as he left only three daughters. To no single man except Bismarck does modern Germany owe so much.

University.

A university career in Germany is somewhat different from that in America. The American university is monarchical or oligarchical, the president and trustees being absolute. The German university is essentially democratic. The entire administration of the

university is in the hands of the faculty (full professors). The rector or president and the deans of faculties are elected by the professors and hold office one year. To become a professor the student takes his doctorate, spends two or three years in research and in writing his book (*Habilitationsschrift*), which is much more extensive than the doctor dissertation. When ready to habilitate he looks about for a university in which he thinks his work will be appreciated and, finding one, asks permission on the strength of his book to lecture there. If the faculty finds his work creditable, he is allowed to habilitate or domiciliate as a lecturer, *Privatdozent*, without pay except for the small fees of any students he is able to attract. The permission of the government is not required in Prussia, except in some smaller states. As lecturer or *Privatdozent* the scholar may work until he is made *professor extraordinarius*. After he distinguishes himself he is promoted to the rank of *ordentlicher Professor* or full professor and member of the faculty. The faculty proposes the professor's name and the government commissions him according to the proposal of the faculty. This arrangement of academic life makes the academic freedom, of which the German university is justly proud, more than a mere phrase.

Virchow, Rudolf.

A noted physician, anthropologist and publicist, for some time the leader of the old Progressive Party (*Fortschritts Partei*) was born October 13, 1821, at Schievelbein in Pomerania. He studied medicine at the Berlin University, and became protector of the charité in 1846. In 1847 he founded, with Reinhard, "The Archives for Pathological Anatomy, Physiology and Chemical Medicine," which he carried on alone after Reinhard's death in 1858. He became instructor at the Berlin University in 1847, from which position he was called to the university at Würzburg as professor. He was recalled to Berlin University as full professor (*ordentlicher Professor*) in 1856 and founded there the "Institute for Pathological Research." In politics he was one of the most active members of the *Nationalverein*. Elected to the Prussian Diet in 1862, he was one of the founders of the Progressive Party. He was a member of the Reichstag 1880–1893. The term "*Kulturkampf*" was coined by him in a political campaign against the clericals. In the wars of 1866 and 1870–71 he organized the first hospital trains. As a member of the department of health in the *Kultusministerium* and as a member of the town council of Berlin, he exercised a great and far-reaching influence on affairs of public health. In 1870 he was made president of the German Anthropological Society. Also in this field he distinguished himself in research and writing. In all these various departments of politics and science his literary production was astoundingly prolific. Virchow died in Berlin in 1902.

COMPOSITION OF THE REICHSTAG
APRIL, 1922.

German National Peoples Party Deutschnationale Volkspartei	71
German Peoples Party Deutsche Volkspartei	65
Center Zentrum	40
Social Democratic Party Sozialdemokratische Partei	108
Independent Social Democratic Party Unabhängige sozialdemokratische Partei	71
Communist Party Kommunistische Partei	11
German-Hanovarian Party Deutsch-Hannoversche Partei	2
Bavarian Peasant Association Bayerische Bauernbund	4
Bavarian Peoples Party Bayerische Volkspartei	2
Other Parties	5

EPILOGUE TO THE SECOND EDITION

Concluded January, 1920

Would Germany have escaped its fate if, in 1914, it had had another constitution, if the parliamentary system had prevailed in the German Empire similar to those of the western democracies? In terms of practical politics this question is naturally an absurdity because constitutions are not made arbitrarily, but are all the outgrowth of given historical forces; must correspond to and take the direction of the resultant of political forces in a state. I believe that I have been able to show above that the dualistic system alone conforms constitutionally to German conditions. The lay of the parties in society and the multitude of parties excluded the possibility of a governing party or a governing party coalition. The monarchy, supported by the officers' corps and the bureaucracy and carried by public opinion, was much too strong to permit it being hollowed out into a shadow kingdom such as the English. It is true that the chancellor of the old Empire, von Bethmann-Hollweg, stated himself before the Parliamentary Commission of Investigation that, "The incompleteness of our political condition became our curse." If he means only such things as, for example, the "three-class" elective system of Prussia, which has disfigured the structure of the German constitution like a piece out of the ragbag, this is open for discussion. But it is also a debatable question if this Prussian legislature has sufficient importance to be worth the debate. But if he means by this "unfinished condition" the Constitutional System and considers it a mere step in development toward the Parliamentary System, I must disagree. There is no constitution which is not in a continual state of flux, and therefore "unfinished." Also, the English, the American, and the French constitutions since their origin have changed considerably and are

changing continually. Of the two houses of Parliament in London, the Upper House once was the important one; then it began to sink, and now it has become almost only a reminiscence and a decoration. Also, "Democracy" and "The Right of the Majority" are not perpetual. We have seen that strong powers are at work to declare that they are deposed, particularly from the camps of those of the extreme Left. In spite of this, they may endure for a long time. But the constitutional system in Germany, with its dualism, might also have endured for a long time, just as well as it once did in Ancient Rome. Therefore, I object to the expression "unfinished" as applied to the German Constitution. What Herr von Bethmann-Hollweg really had in mind is nevertheless very easy to understand and brings us into the very crux of the problem, namely: to what extent is our misfortune traceable to our constitution? Herr von Bethmann-Hollweg defends the thesis that his policy, which he was following, would have led to a peace-by-negotiation and would have saved Germany, but that he was not strong enough to put through these policies because he did not have any power over the High Command of the Army and no consolidated and solid majority in the Reichstag to back him up. If he had been the leader of such a majority he could have bent the High Command to his direction. This is quite true, providing, however, that the majority was on his side and not on the side of the High Command. Moreover, the misfortune was not that the Chancellor of the empire did not head the majority, but that the majority did not desire his policies, and, on the other hand, vacillated back and forth between overconfidence and fear, without having any solid political objective. Count Hertling was in a better position than von Bethmann-Hollweg in that he had a strong party behind him. But, could he have followed any other policy on this account? On the contrary; this solidarity with the Reichstag served only to force him further in the wrong direction.

One may mark many points along the road where Germany might have made other decisions, but if it had won through this is a question. If one had avoided the war in 1914 and it had broken out later, there would have been heard

the criticism that one had missed the good opportunity in the year 1914 to avoid the world conflagration by trampling out the Serbian embers. If the attack had been carried on against Russia instead of France, and eventually it had exhausted itself in the great Russian steppes, then the criticism would have been made, how much better war can be carried on in a highly settled country such as France. If the attack had not been directed through Belgium, then the criticism would have been that through this means France could have been quickly overrun, that in the face of life or death of one's own people the matter of neutrality should be a secondary consideration. If the ruthless submarine warfare had not been used, then for all time the failure to use this decisive weapon would have been branded as a weakness. According to my conception, the point where no such counter criticism can be made, and where the death-bringing mistake is as clear as daylight, is the failure to enter upon the peace feelers in 1917 because certain elements did not care to renounce clearly and without recourse from the beginning any claim to Belgium. But would a parliamentary government have done this? I do not think so, and therefore I do not believe that a parliamentary government would have saved us. Parliamentary governments in particular are only too often the bearers of chauvinism and intransigent or uncompromising politics.

Not because of any lack of the Parliamentary System of government did we go down to defeat, not because we had been more militaristic in the past than our opponents, but because the militarism of our opponents was able to win and ours not. The division of opinion between a militaristic and a moderate policy of compromise that was so prominent with us was not as apparent with our enemies, not because they were governed by the Parliamentary System, but because the peace movement on the other side did not assume proportions of any particular importance. Nothing is more characteristic than the fact that in England conscription was not demanded by the government, but it was forced upon the government by public opinion and the lower house. Were the English people any more patriotic and any more sacri-

ficing than the German? Certainly not. Germans in the war accomplished and suffered much more than the English. Were the Germans more injudicious than the English? Did the Germans show more lack of judgment than the English? Although both were injudicious, the English in their poor judgment were allied with the entire world, and therefore the stronger, and therefore the victor. It is not unnatural that soldiers wanted the policy of the sword. That was exactly the same with them as with us. But one can only follow the policy of the sword when one has the superiority, and a people that places its confidence in the policy of the sword without having the superiority gives itself over to perdition. Our curse was not that we had a monarchical government for leadership, but that this monarchical government was not strong enough to counteract the chauvinistic currents of public opinion and to lead the people against its will into the right path.

Because on the other side the obvious superiority was apparent to all the people, it was only necessary for the government to appeal to the people's tenacity to see it through, and it was easy to hold the people together solidly behind the government. In Germany, however, a split occurred not because the system of government was dualistic, but because a large part of the people felt that being the weaker we should strive for a peace-by-negotiation, while the other part that had raised nationalism to a blind fanaticism were imbued with the thought of peace-by-victory and would not cast it off. Would this have been any different if we had had a Parliamentary System? Would the great mass of the people have felt differently under these conditions and have gathered themselves together under the standard of peace by negotiation? Perhaps even the exact opposite would have been true. It is possible that a parliamentary minister would have been able to have taken hold of the bridle of the Military High Command with more decision than Bethmann-Hollweg could do, but on the other hand he would probably have given chauvinism much more latitude than did the careful and moderated Bethmann. Not the Reichstag, but the chancellor was the element in the government for peace by

negotiation. And in July, 1917, when the Reichstag at last formulated its Peace Resolution (although not very cleverly), it did not dare to stand by it and to hold to it and to insist that it be carried through. With the calling of the Chancellor Michaelis began the transition to the Parliamentary System that ended in the Republic. Is this transition to Parliamentarism characterized by any act of wisdom? Just at that time the English stretched out the hand as a peace feeler which we failed to grasp.

Whoever still wishes to maintain the thesis that a parliamentary system of government would have saved us, must assume that the members who at that time so blithely supported a policy of annexation would have, under greater responsibility, registered their opinions sufficiently early and decisively for a peace by negotiation. I do not hold these gentlemen in very high esteem as statesmen, but I cannot regard them so low that I can believe that, if they had been the direct carriers of power, they would have followed another policy than they did in their capacity of advisers and voters on public questions.

On the other hand, quite as false as the opinion that we had too little parliamentarism, is the contrary opinion that we had too much of it, and that Germany would have been saved if the monarchy had not been forced to make concession after concession to the Reichstag and the Social Democrats. Without the democratic element in our Constitution, that is, without the Reichstag, in which the good will of the great mass of the citizens of the state is manifested, it would not have been possible to have even carried through the mobilization of 1914, to say nothing of holding out for four years in the heroic struggle against a seven times superior force. The German people from 1914 to 1918 put twice as many men in the field as had been considered the maximum possible limit of a civilized people up to that time, i.e., Prussia in the year 1913 — and this doubled percentage not for eight months only, but four years. Such a feat cannot be ordered by any monarchy and cannot be squeezed out by any dictator, but must be borne by the will of the people.

The "most fearful of all defeats," of which I spoke

theoretically in the first edition of this book, without having the remotest idea that this theory could ever become a fact, this fearful defeat is a fact, and has in fact followed the course traced out in theory.

The Monarchy has been done away with, the Officers' Corps almost destroyed, the civil officials willing to serve any government that shows the slightest possibility of maintaining the mere existence of the state. How will the government of party leaders function which we have introduced after the model of the western states? In the first edition of this book I maintained the premise that if the Reichstag gained the authority of the so-called parliamentary government it would lead Germany to ruin. The Reichstag has the authority, the Reichstag elected by all men and women citizens over twenty years of age. Must I change my conception?

The German Constitution of the 19th of August, 1919, is constructed on the two theses in the introduction that: "The German people has given itself this constitution," and in the first paragraph it says: "The governing authority (Staatsgewalt) emanates from the German people." I have presented in this book that these sentences are fictions that cannot be maintained either upon the facts of history nor of logic. It is a fiction that the majority of the National Assembly that formulated and adopted the constitution is the German people. It is also a fiction that there can be a governing authority that emanates from the people. If the German people had been given complete freedom of decision it would have rejected the republic and its constitution by a vast majority. It was not the will of the German people but a necessity that lay in the course of historical events which laid upon us the republic. But if one starts to write the introduction to a constitution maintaining principles that must be understood by the masses, then such fictions are not to be avoided and we need not detain ourselves longer with them. In terms of practical politics the power of government is given over into the hands of the leaders of the various political parties that have grown up according to German conditions. It is a question if the constitution has organized

this leadership so that we can expect from it a reasonable satisfactory functioning.

The Reichstag. Through the Proportz, the will of the great masses — in common parlance, the people — is restricted to a choice among the various party organizations, to a kind of acclamation. The people are allowed to give expression to their sentiments in this manner once in four years.

Inasmuch as there are no after elections in the interim, public opinion is restricted in its expression to such criticisms and demonstrations of desires as may appear in the press. Therefore into the hands of the party leaders corralled in the Reichstag is given quite consolidated authority. This is dangerous in view of the possibility of misuse of the powers conferred — not only a misuse by or against individual social classes, or localities of the empire, but also there is a possibility that the election held under certain momentary impressions and sentiments be carried over to a time when the sentiment of public opinion has become quite different.

The Reichsrat. In order to counteract these dangers there is created a second parliamentary body — The National Council (Reichsrat) — which is composed of the "governments" of the individual states and the Prussian provinces. Inasmuch as these governments in turn are created in exactly the same manner as the Reichsrat, it is to be assumed that there is a general coincidence of policy in the two. But because of events in these governments, as well as the fact that the members are not bound to serve definite terms of years, the National Council (the Reichsrat) may come to have an entirely different character than the National Diet (the Reichstag). However, in spite of the fact that it has only a limited veto, it can be a decided counterweight to the Reichstag.

The National President. But of greater importance than the National Council is the other, the institution to check and balance the Reichstag, namely, the National President, who is elected by the same voters as the Diet (Reichstag), not for four years only, but for seven years. When the two elections for the Diet (Reichstag) and for the President do not fall together in view of the natural change in public

opinion, the two elections can be decidedly different as to policies and the President is given such important functions that he can act as a powerful check against the misuse of power by the party leaders in the Diet (Reichstag). On the other hand, the misuse of power on the part of the President is checked by the possibility of recall and (or) impeachment by a two-thirds vote of the Diet, and through a vote of the people to depose him (recall).

The Rule of Party Leaders. Therefore one may say that the German state authority in this Constitution does actually rest upon the vote of the people, but it creates at the same time such broad and firmly founded authorities that if these coöperate a real state government may be possible. Democracy is the fundamental principle of the Constitution, but the shortcomings of democracy — the influence of the great masses who are quite without judgment — is limited to such an extent through the organization of the government that one may well ask if it were not greater in the old German Empire than in the new Republic. The main difference is that the source of power has been transferred from the former hereditary rulers, who felt themselves as one with the state and as an integral part of the country, to the larger or smaller circle of the party leaders, of whom it remains an open question through what means they came to this position of leadership and what sort of personal ends they may be pursuing that deviate from the true interest of the state. We have recognized as the main advantage of the parliamentary governed peoples the development of political personalities, the selection of leaders. However, it remains a very weighty question if the limitation of the franchise through the proportional system has not eliminated this very advantage and has led to an ossification of the entire party life. No one has ventured to affirm that the constitutional national assembly is on a higher level than the old Reichstag.

The national constitution has not reached a decision upon one very important question, that is, if the President shall be elected according to majority or plurality. If one decides for the majority it is impossible to get by without the repeated ballots of elimination (Stichwahl), which are not only

undignified but for the public morale quite impossible. On the other hand, to elect the president by a plurality would be playing to a high degree into the hands of chance, and one may come to adopt the expedient that, when the election by the people does not show an absolute majority for any one candidate, the choice among the three or four candidates may be left to the Reichstag.

If it be true that by means of an election and the determination of a majority one can determine the will of the people, then it would be obviously absurd to have three sorts of elections which differ one from the other, in fact, which might produce opposite wills of the people. Even small deviations of expressed will endanger the will of the state, which must have unity. The mere fact that one has created three representations, — the three wills of the people through the National Diet (Reichstag), through the National Council (Reichsrat), and through the National President (Reichspresident), shows that one is quite conscious of the inadequacy of the fundamental principle. It is quite true that formerly we had an *Obrigkeitsstaat,* — an authoritative and (or) autocratic state. That we now have a *Volksstaat,* a people's state, is a play with words. To put it more strongly, it is a bait with which the demagogues endeavor to catch the voters.

The true nature of the Constitution might be formulated as follows: The fundamental truth in the idea of democracy — to which truth the history of humanity attributes such an important rôle — is the fact that that state is the strongest which is supported by the will of the largest possible number of its citizens. But the greatest wisdom is not always to be found with this greatest number. "Nothing is more disgusting than the majority," said Goethe, "because it is made up of not very strong upstarts, of rogues who accommodate themselves, by weaklings who simulate, and the masses who roll after not knowing in the least what they want." And in another place, "The masses must strike to be respected, because their acts are unreflected."

Zuschlagen muss die Menge, dann ist sie respectable,
Urteilen gelingt ihr miserable.

If through desire or necessity one wishes to build up a state entirely upon the will of the masses, then must the elections be so constituted that a reasonable amount of good judgment will finally come to the surface. This becomes possible when one only apparently leaves the elections to the people, but the real decisions are left in the hands of the organized parties and their leaders.[1] However strongly I may emphasize that the proportional elective system is undemocratic and is a means of disfranchising the masses, I do not mean that this should be taken as a reproach. By this means one may come upon a way of rehabilitating an "authority." In fact, it may even go too far and create a form of party leaders' despotism. On the other hand, one is able to counterbalance the dangers that may come out of this by the various elections to the Diet, Council, and the Presidency, which in turn limit one another by checks and balances. In order to rescue the idea of democracy that has thus become almost a shadow and to give it some latitude of action, there has been put into the Constitution the referendum, *Volkentscheid,* and the initiative, *Volksbegehr* (see page 22).

The President has no veto and it is his duty to promulgate and execute the laws created by the Diet and the Council. However, he is given authority to refer a law to the people by means of the referendum. A minority of the Diet, one-third, also has the right to demand a referendum if simultaneously one-twentieth of all those entitled to vote among the people petition it. Finally the initiative may be employed if one-tenth of all the authorized voters among the citizens present a bill and demand that it be referred to a general election.

How these rules will work out in practice is hard to say. A twentieth of the authorized voters is 1,500,000. They are not so easily brought together and much more difficult are 3,000,000. It is hardly to be assumed that a movement could come out of the people, independent of and alongside the

[1] If this principle had been understood, the direct election of Senators in the United States would not have destroyed all party leadership and responsibility to the extent that has now prostrated Congress. — Translator's Note.

established parties, that would be able to collect the legal signatures of such an enormous number of authorized voters. The promotion of a fruitful political life beside the organized party machinery by means of the referendum and initiative is hardly to be expected. However, these institutions may be regarded as a means by which the parties may fight one another. The minority is afforded a means of calling together the masses of the voters to express their wishes against decisions of the majority. It has been shown (page 23) that in practice the referendum is most conservative in its operation. Moreover, one will not lightly come to the decision to set this great machine in operation. In a large state such as Germany this means something quite different than in Norway, or Switzerland, or in a Swiss canton.

Also the Constitution of the German republic has created an organism quite outside the machinery of the usual, true state authority. Rather this creation is in view. One can hardly say if it is simply a bubble blown out of the fermentation of the times, or is an important germ of future life. This is the National Economic Council, *Reichs-Wirtschaftsrat,* which is given the authority to introduce bills upon social-political and economic-political problems, to pass judgment on such bills, and also "to coöperate" in the administration after they become law. Its function on the other hand remains inferior to that of the Diet (Reichstag), and the Council (Reichsrat), inasmuch as the decisions of the organizations have no legislative power; but on the other hand it goes much further than the other two bodies in that it has executive powers. This is true not only of the headquarters of the National Economic Council, but also of the district and administrative councils and other economic organizations from which it is constituted. The impulse to create this organization was given by the proletariat ideal of government by soviets, i.e., councils, which it was desired to meet part-way and then through force of circumstances it was turned about into a sort of professional class representation because one was not willing to discontinue democracy in the very moment in which it was introduced by turning the government over to one single class, the pro-

letariat (note page 87 above). If to labor be given their own representation they would have an advantage over all other productive classes. And, inasmuch as there are no unproductive classes in the German people, although there may be unproductive individuals, there arose a second representation of the people organized according to professions. Therefore we have a fourth will of the people to add to the other three, and recall the words of Napoleon, "The people is like water which takes the shape of the vessel into which it is put." For the present this new will of the people is only an embryo. How the child will look and if it has the power of life we do not yet know. What is incorporated in the Constitution are good precepts and good intentions. But if the National Economic Council should ever become effective it can become a tremendously powerful weapon in the hands of the President when combined with the referendum and as a check against the Reichstag. Taken all together, it seems to me that the Constitution, braced as it is from left and right by buttresses and flying buttresses, is as useful an edifice as can be erected on such a crumbly foundation as the idea of the sovereignty of the people. The important improvement which I wish to keep in view for the future would be the substitution for a seven-year presidency a president for life; the same sort of an elected head as served the German Empire[1] for some thousand years.

One of the greatest blows dealt us by the war and the revolution is the poisoning of our bureaucracy, that has always stood as incorruptible, unbribable, and of qualified specialists in their respective fields. Party governments, as we will have them from now on, do not appoint and promote according to capabilities, but according to opinions. The only possibility of guarantee or assuring the building up of a body of trained specialists in the government bureaus is to have at the head of the state a president serving for life (even if he be appointed subject to recall) and as much as

[1] Referring to the Holy Roman Empire, which was ruled by a prince elected by certain other princes, heads of quasi-independent principalities, known as electors. This does not refer to the German empire that was formed in 1871 and went out in 1918 at the time of the armistice. — TRANSLATOR'S NOTE.

possible outside of party politics, empowered with the appointment of all officials. Parliament operates best as a control. A parliament, however, that has the appointment of the government officials, or is able to materially influence such appointments, is in a weaker position, less capable of exercising control, than a parliament that is an organization of control only.

National Unity and the Dissolution of Prussia. Great progress has been made since the republic compared with the old Empire in the change from a *Bundesstaat* to an *Einheitsstaat,* from a federation of states to a single state. The old Empire was under the hegemony of Prussia, one of the federated states. It is not possible to have such a dominating state in the new republic. The people of this republic in their very nature compose a unit that concedes to the separate local communities a certain amount of local self-government. This must mean the eventual hollowing out and final dissolution of Prussia as the great state. Prussia will now be sacrificed to the great national single state which it once created. Prussia will be absorbed into Germany.

That is, however, not a question of the moment. The present question is: Will party combinations be formed on the basis of the constitution as described, that will have the capacity for government? Before the year 1914 the parties in Germany were in such conflict with one another that they were only able to agree upon certain individual laws, but not upon a common government program. This weakness of the parties was one of the strong points of the monarchical government.

The number of parties has not been reduced through the revolution. This splintering is not intentional, is not according to the demands of the German character, but has developed out of German history, religious differences, various social and economic characters of the North, South, East and the West, the industrial development, etc. It must be regarded as something permanent in principle regardless of any changes in detail.

The question under discussion is: Are the parties that have regrouped and renamed themselves after the revolution in-

wardly so changed that they can be regarded as capable of government?

There is no doubt that a certain development has taken place in this direction.

The Social Democratic Party (*Sozial Democratische Partei*) has split and the majority has assumed an attitude which makes it possible to coöperate with the other parties. Even if this majority party should shrink there will still remain a considerable bloc that can be reckoned with in this or that other combination.

On the other hand, the German Democratic Party, *Deutsch Democratische Partei,* the legatee of the old Free-thinker, *Freisinnigen,* and the old National Liberals, *National Liberalen,* have not to any extent dropped their individualistic character but have toned it down so far in favor of the social idea that they are able to work with the Social Democrats.

The Centre Party, *Zentrum* (Catholic), has always been and from all sides capable of coalitions.

The parties of the Right (conservatives) are for the present out-and-out oppositionists, yet their leader, the former minister of finance, Hergt, has developed such a progressive program that if the party really follows his lead, even it need not necessarily be considered as entirely outside of any and all possible coalitions.

Both on the right and the left, conservatives and radicals, there remain very large and strong residues of intransigent, recalcitrant elements which are not to be had for a constructive political work, but on the contrary will do everything to make the work of the others more difficult through obstruction and sabotage.

One has made the claim for the new German Constitution that it is the freest in the world. I doubt if true freedom, in spite of many restrictions that peeved us, was not better preserved by the old Constitution than by the new Constitution. Freedom is a conception that is not so easily formulated and understood in reality as in its ideal sense. Is it a manifestation of freedom when, as at present in the United States, the majority of the citizens forbid the minority the enjoyment of wine and beer? Is it freedom, when all vine-

yards must be uprooted, all breweries changed over to other production? Is it freedom when the parents of the minority are forced to have their children educated according to the ethical and pedagogical precepts of the majority, when it is forbidden to them even to collectively organize their own private schools? "Freedom" and "Democracy" are conceptions which not only do not coincide, but are often in strong contradiction with one another. It was the Athenian democracy that condemned Socrates to the cup of hemlock. If, instead of searching after freedom, we look for democracy, then it is clear that in the German Constitution this is carried through much more energetically than by our rivals. By means of the extension of the franchise to all who are more than 20 years old we have overtopped not only France, but England and America. This broadening at the base of democracy is to the advantage of the extreme radicals on the one hand, and on the other to an even higher degree, woman's suffrage is to the advantage of the clerical and church parties, with us the *Zentrum*.

In France, America and England, we have in the democratic forms, a plutocratic régime. With us the plutocratic influence is checked by the referendum, and the initiative, but more especially through the nature of our political parties. The Centre Party, as well as the Social Democratic Party, is in its very nature anti-plutocratic, and therefore forces the other parties and supports capitalistic interests only with great circumspection. It may be assumed that through these anti-plutocratic socialistic characteristics the German Republic will differ greatly from the western democracies. If an advantage from this will develop which will give Germany a new position in the world, only the future can teach. The oft repeated experience that by way of the elected representatives demagogues and profiteers come into governmental power and corrupt the administration, before the war caused great discontent in the western states. Through the war this feeling of discontent was crowded into the background, but it will undoubtedly break out again. How is one to help himself? Socialism has a considerable foothold in England, but in France and America only a little. In the recent elec-

tions in France the socialists did not poll quite a quarter of the votes. An entirely new method of giving expression to democracy has been found in Galveston, Texas. When this town was in great distress because of the tidal wave, the governmental power, legislative and executive combined, was given into the hands of an elected commission of five men, without any other representatives, such as a town council, with the single reservation that they might be recalled at any moment. According to reports, this system has worked, and the commission form of government has extended throughout the western states. Perhaps this method will give socialism competition when the present plutocratic democracy has run its course. Others hope for salvation through professional or occupational organizations, which touches the demand that *one* particular vocation — labor — through its representation, its soviet, shall rule all the others.

But the life of a people is not determined entirely, in fact perhaps only to a small part, by its internal tendencies, but more especially through outside influences. The German revolution, the Republic, and the above sketched continuation of the parties have been determined by the war, by the defeat and by the peace terms. In the old empire the army and the taxes to raise the money for national defense were the storm center of all the political conflicts and of party life. Will that be true in the future? With us and with the other peoples the nature of future political party life depends in the first instance not on internal conditions, but whether the old system of great powers with its mutual jealousies and rivalries be continued, or if a great Union of the Peoples brings about a new era in world history.

HANS DELBRÜCK, 1920